

ORIGINAL

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)	
)	
Martin D. Yoder, and)	Docket No.13-0355
)	
Martin D. Yoder Livestock, Ltd.,)	
)	
)	Consent Decision
Respondents)	

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act), by a Complaint the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that multiple Respondents, including Martin D. Yoder, d.b.a. Martin Yoder Livestock, Ltd., wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in paragraph I of the Complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor denies the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Martin D. Yoder, (Yoder) is an individual, whose business address is P.O. Box 205, Kidron, OH 44636.
2. Martin D. Yoder Livestock, Ltd. (Yoder Livestock) is a corporation wholly owned and operated by Yoder, with a business address at P.O. Box 205, Kidron, OH 44636.
3. Yoder Livestock at all times material to this amended complaint, is engaged in the business of a dealer, buying and selling livestock in commerce on its own account.
4. Yoder, at all times material to this amended complaint, is:
 - a. Engaged in the business of a dealer, buying and selling livestock in commerce for his own account;
 - b. Registered as an individual with the Secretary of Agriculture as a dealer to buy and sell livestock for his own account.
 - c. The 100% owner and president of Yoder Livestock
 - d. Is responsible for the direction, management and control of Yoder Livestock

Conclusions

Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondent Yoder Livestock, its officers, directors, agents and employees, and

the individual respondent Yoder, his agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from:

1. Agreeing, or otherwise arranging, to take turns with other buyers when bidding on livestock at livestock auction markets; and
2. Failing to conduct buying operations in competition with, and independent of, other packers and dealers similarly engaged as set forth in Section 201.70 of the regulations (9 C.F.R. 201.70).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are assessed jointly and severally a civil penalty in the amount of twenty thousand dollars (\$20,000) to be paid according to the Understanding with Respect to Civil Penalty entered into between the parties. The provisions of this order shall become final and effective on issuance.

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.

this 4th day of December, 2014

[Redacted signature]

Martin D. Yoder
For Respondents

[Redacted signature]

J. Trent Snavely
Attorney for Respondents

[Redacted signature]

Administrative Law Judge
JANICE K. BULLARD

[Redacted signature]

Jonathan Gordy
Attorney for Complainant