

**ORIGINAL**



UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

15-0042

In re:	)	P. & S. Docket No. D- <del>14</del>
	)	
Tyson Hog Markets, Inc.,	)	
doing business as	)	
Heinold Hog Markets,	)	
	)	
	)	Decision Without Hearing
Respondent,	)	by Reason of Consent

This is a disciplinary proceeding under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), hereinafter the "Act." A Complaint has been filed alleging that Respondent pursued a practice of buying and selling livestock in commerce based on false weights, preparing and maintaining falsified scale tickets to support the sales in which it billed customers for these fraudulently increased weights, falsified accountings to sellers, and that those actions resulted in Respondent's willful violation sections 312 and 401 of the Act (7 U.S.C. §§ 213(a) and 221), as well as section 201.55 of the regulations (9 C.F.R. § and 201.55).

Complainant and Respondent have now agreed to entry of this Decision, without hearing or further procedure, pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter; neither admits nor denies the remaining allegations; waives oral hearing and further procedure; and consents and agrees,

for the purpose of settling this proceeding and for such purpose only, to the entry of this Decision.

#### Findings of Fact

1. Tyson Hog Markets, Inc., doing business as Heinold Hog Markets, hereinafter referred to as Respondent, is a corporation organized and existing under the laws of the State of Delaware. Its business mailing address is 800 Stevens Port Drive, Suite 724, Dakota Dunes, South Dakota 57049.

2. Respondent was at all times material herein:

(a) Engaged in the business of buying and selling livestock in commerce for its own account;

(b) Engaged in the business of a market agency selling livestock in commerce on a commission basis;

(c) Registered with the Secretary of Agriculture as a dealer buying and selling livestock.

#### Conclusions

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

#### Order

Respondent Tyson Hog Markets, Inc., its agents and employees, successors or assigns, directly or through any corporate or other device, in connection with Respondent's activities subject to the Packers and Stockyards Act, shall cease and desist from: 1) falsifying scale tickets for livestock, 2) issuing invoices to buyers that show false weights, and 3) issuing false

or inaccurate accountings to sellers of livestock. Respondent is further ordered, pursuant to section 401 of the Act, to maintain complete and accurate scale records which correctly show the weights of livestock actually weighed by Respondent.

In accordance with section 312(b) (7 U.S.C. § 213(b)) of the Act, Respondent is hereby assessed a civil penalty of fifteen thousand dollars (\$15,000), in which payment will be in accordance with the terms of the “Understanding Regarding Consent Decision” entered between the parties.

Copies of this Decision and Order shall be served on the parties. The provisions of this Order shall become effective upon service on Respondent.

Tyson Hog Markets, Inc.  
Respondent,

By:



Bryan Burns  
Attorney for Respondent



JONATHAN D. GORDY  
Attorney for Complainant

Issued in Washington D.C.

this 11<sup>th</sup> day of December, 2014



ADMINISTRATIVE LAW JUDGE