

2019 JAN 28 AM 10: 43

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
S & S Buying, Inc.,	)	P&S Docket No. 18-0054
	)	
and	)	
	)	
Troy Siebels,	)	P&S Docket No. 18-0055
	)	
	)	
Respondents	)	Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (the Act), by a Complaint filed by the Deputy Administrator, Fair Trade Practices Division, Agricultural Marketing Service, U.S. Department of Agriculture, alleging that Respondents S & S Buying, Inc., and Troy Siebels (collectively, Respondents) violated the Act and the regulations promulgated pursuant thereto (9 C.F.R. § 201.1 et seq.) (the regulations). This consent decision and order is entered pursuant to section 1.138 (7 C.F.R. § 1.138) of the Rules of Practice Governing Formal Adjudicatory Procedures Instituted by the Secretary under Various Statutes (7 C.F.R. § 1.130 et seq.).

Respondents admit the jurisdictional allegations set forth in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter; neither admit nor deny the remaining allegations; waive oral hearing and further procedure; waive all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waive any action against the United States Department of Agriculture under the Equal Access to Justice Act of

1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by Respondents in connection with this proceeding or any action against any USDA employee in their individual capacity. The parties consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this Decision.

Findings of Fact

(1) S & S Buying, Inc. (Respondent S & S), is a corporation organized under the laws of the State of Nebraska. Its mailing address is 70720 A Road, Stamford, Nebraska 68977.

(2) Respondent S & S, under the direction, management, and control of Respondent Troy Siebels, is, and at all times material herein, was:

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

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for its own account.

(3) Troy Siebels (Respondent Siebels) is an individual whose mailing address is (b) (6)

(b) (6)

(4) Respondent Siebels is, and at all times material herein, was:

(a) President of respondent S & S;

(b) Owner of 50% of the stock issued by respondent S & S;

(c) Responsible for the direction, management, and control of respondent S&S; and

(d) Engaged in the business of a dealer buying and selling livestock in commerce for his own account.

### Conclusion

Respondents having admitted the jurisdiction facts, and the parties having agreed to the entry of this consent decision, the consent decision and order will be entered.

### Order

Respondents shall cease and desist from failing to pay the full amount of the purchase price for livestock before the close of the next business day following each purchase of livestock, as required by sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b).

Respondents shall cease and desist from failing to maintain sufficient funds on deposit and available in the account upon which payment checks are drawn to pay such checks when presented, as required by section 312(a) of the Act (7 U.S.C. §§ 213(a)).

Respondents, their agents and employees, successors and assigns, shall keep such records as fully and correctly disclose all transactions involved in their business, as required by section 401 of the Act (7 U.S.C. § 401).

Pursuant to 7 U.S.C. § 204, Respondent S & S Buying Inc. is suspended as a registrant under the Act for a period of five (5) years. Respondent Troy Siebels is also suspended as a registrant under the Act for a period of five (5) years however, Siebels is permitted to engage in salaried employment by another registrant or packer provided Siebels fully discloses his employer and the employer is responsible for payment for the livestock so purchased. This order may be modified to lift said suspensions upon application to the Packers and Stockyards Division and upon demonstration of payment of all amounts owed as a result of Respondent's failure to pay for livestock.

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 ten thousand dollars (\$10,000.00). Respondents shall send a certified check or money order for ten thousand dollars (\$10,000.00), payable to the U.S. Department of Agriculture, to USDA GIPSA, P. O. Box 790335, St. Louis, Missouri 63179-0335 within thirty (30) days from the effective date of this order as determined by the issuing Administrative Law Judge. Respondents shall indicate on the certified check or money order that payment is in reference to P&S Docket Nos. 18-0054 and 18-0055.

The provisions of this order shall become effective on the sixth day after service of this order on respondents.

Copies of this decision and order shall be served on the parties.

Respondent S & S Buying, Inc.

By: [Redacted]

Title: Pres.

[Redacted]  
Troy Siebels  
Respondent

[Redacted]  
Patrick M. Heng, Esq.  
Attorney for Respondent

[Redacted]  
Thomas N. Bolick  
Attorney for Complainant

Done at Washington, D.C.

this 28<sup>th</sup> day of January, 2018.

[Redacted]  
Chief Administrative Law Judge

Channing D. Strother