

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-05-0016
)
Mike Bamrick, d/b/a Bamrick and MJ)
Cattle Company,)
) Decision Without Hearing by Reason of
Respondent) Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (hereinafter referred to as the “Act”), by a complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.) (hereinafter referred to as the “regulations”). 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).

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.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Mike Bamrick, d//b/a Bamrick and MJ Cattle Company (hereinafter, "Respondent"), is an individual whose business mailing address is 2639 16th Avenue, Greeley, Colorado 80631.

2. Respondent was at all times material herein:

(a) Engaged in the business of a dealer, buying and selling livestock for his own account or the accounts of others, and a market agency, buying livestock on a commission basis; and

(b) Registered with the Secretary of Agriculture as a dealer, buying and selling livestock for his own account or the accounts of others, and as a market agency, buying livestock on a commission basis.

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 Mike Bamrick, d//b/a Bamrick and MJ Cattle Company, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from:

1. Purchasing his own livestock out of consignment for a buyer, either on commission or as an employee, without first disclosing to the buyer the nature of his interest in the livestock; and


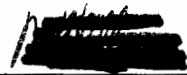
2. Consigning or purchasing livestock for a buyer, either on commission or as an employee, using false names.

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty of Seven Thousand Dollars (\$7,000.00), which will be paid in accordance with the terms of the Understanding Regarding Civil Penalty Payment Terms agreed to by the parties.


The provisions of this order shall become final and effective upon issuance.

Copies of this decision shall be served upon the parties.

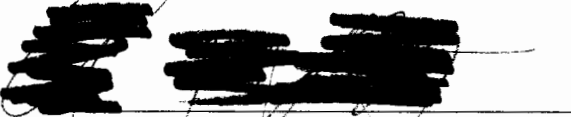
Issued this 19th day of
September, 2005.

Administrative Law Judge



Mike Bamrick
d/b/a Bamrick and MJ Cattle Company
Respondent



Andrew Y. Stanton
Attorney for Complainant