

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USDA
OIG
2017-03-27
RECEIVED

In re:) P. & S. Docket No. D-07-0203
Ewald Friedrich, Jr.)
Respondent) Decision Without Hearing
) By Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondent willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*). This decision is entered pursuant to the consent decision provision of the Rules of Practice 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.

The Complainant agrees to the entry of this decision.

Findings of Fact

1. Ewald Friedrich, Jr., hereinafter referred to as the Respondent, is an individual whose business address is ~~1255 CR-242~~ ^{EFJ} 1671 FM 2144, Weimar, Texas 78962.

2. Respondent, 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 for the account of others;
 - (b) Engaged in the business of a market agency buying livestock in commerce on a commission basis;
 - (c) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

Conclusions

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

Order

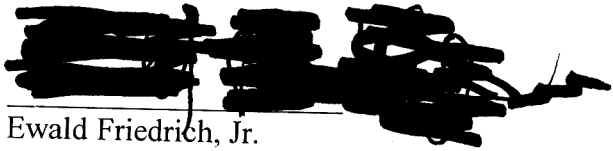
Respondent Ewald Friedrich, Jr., his agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock

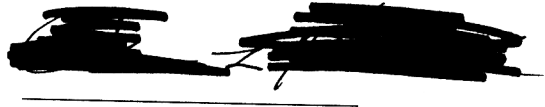
In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent Ewald Friedrich, Jr., is assessed a civil penalty in the amount of Two Thousand and Five Hundred Dollars (\$2,500.00).

Respondent Ewald Friedrich, Jr., in connection with his operations as a dealer buying and selling livestock in commerce for its own account and for the account of others, shall keep and maintain such accounts, records, and memoranda as fully and correctly disclose his transactions subject to the Act and the regulations, including a check register, inventory records, journals, and load make up sheets.


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

Copies of this decision shall be served upon the parties.


Ewald Friedrich, Jr.


Charles L. Kendall
Attorney for Complainant

Issued this 9th day of November 2007


Administrative Law Judge