

USDA  
OAL/10412

UNITED STATES DEPARTMENT OF AGRICULTURE 771 FEB 21 AM 9:31

BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re: ) P. & S. Docket No. D-06-0007  
Weikert's Livestock, Inc. )  
and Todd D. Weikert, )  
Respondents ) Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), hereinafter "the Act", by a complaint filed by James E. Link, Administrator, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondents wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice 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 deny the remaining allegations, waives 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) Respondent Weikert's Livestock, Inc., hereinafter referred to as the Corporate Respondent, is a Pennsylvania corporation whose business mailing address is P.O. Box 707, Fairfield, PA 17320.
- (2) The Corporate Respondent 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 and as a market agency to buy livestock in commerce on commission.

(3) Respondent Todd D. Weikert, hereinafter the Individual Respondent, is an individual whose business mailing address is P.O. Box 707, Fairfield, PA 17320.

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

(a) President of the Corporate Respondent;

(b) Engaged in the business of a dealer buying and selling livestock in commerce as the agent or employee of the Corporate Respondent;

(c) A dealer and a market agency within the meaning of these terms under the Act and subject to the Act; and

(d) Not individually registered with the Secretary of Agriculture in any capacity under the Act.

#### Conclusions

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

#### Order

Respondents Weikert's Livestock, Inc., and Todd D. Weikert, and their agents and employees, directly, or through any corporate or other device, in connection with their activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Failing to pay, within the time period required by the Act, the full purchase price of livestock.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents Weikert's Livestock, Inc., and Todd D. Weikert are hereby assessed, jointly and severally, a civil penalty of

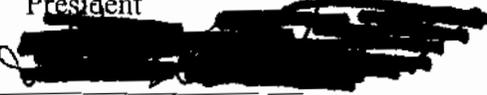
Ten Thousand dollars (\$10,000.00).

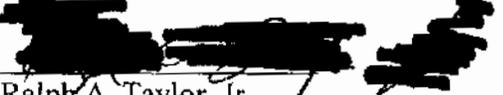
The provisions of this Order shall become effective on the sixth day after service of this Order on the Respondents.

Copies of this decision shall be served upon the parties.

Weikert's Livestock, Inc.  
Respondent

By:   
\_\_\_\_\_  
Todd D. Weikert  
President

  
\_\_\_\_\_  
Todd D. Weikert  
Respondent

  
\_\_\_\_\_  
Ralph A. Taylor, Jr.  
ARENT FOX PLLC  
Attorneys for Respondents

  
\_\_\_\_\_  
ERIC PAUL  
Attorney for Complainant

Issued this 21st day of April 2006

  
\_\_\_\_\_  
Administrative Law Judge