

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OAL/HCO
2021 OCT 12 8:30 AM

In re:

Martin D. Yoder Livestock, Ltd.,

Respondent

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Docket No. 20-J-0036

Consent Decision

This proceeding arises under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.) (Regulations). On February 7, 2020, on behalf of the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service, United States Department of Agriculture (USDA), James Ivy signed and filed a Complaint alleging that the Respondent willfully violated sections of the Act and the Regulations. Complainant and Respondent have 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; waives 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 waives any action against the USDA under the Equal Access to Justice Act (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by Respondent in connection with this proceeding or any action against USDA employee

in their individual capacity, 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) Martin D. Yoder Livestock, Ltd. (Yoder Ltd.) is a limited liability company, whose business address is P.O. Box 205, Kidron, OH, 44636.
- 2) Yoder Ltd., at all times material to this complaint, is:
 - (a) Engaged in the business of a dealer, buying and selling livestock in commerce for its own account;
 - (b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock for its own account.

Conclusions

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

Order

Respondent Yoder Ltd., its officers, directors, agents and employees, including, but not limited to Martin D. Yoder, directly or indirectly through any corporate or other device, shall cease and desist from:

1. Agreeing, or otherwise arranging, to take turns with other buyers in violation of applicable laws and statutes when bidding on livestock at livestock auction markets; and
2. Failing to conduct buying operations in competition with, and independent of, other packers and dealers similarly engaged, in violation of applicable laws and statutes as set forth in Section 201.70 of the regulations (9 C.F.R. 201.70).

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 eleven thousand dollars (\$11,000). The Parties further agree to an Understanding entered into between the parties with respect to disputes related to the Order issued in this matter. The provisions of this order shall become final and effective on issuance.

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.

this 12 day of October, 2021



Administrative Law Judge

JONATHAN GORDY Digitally signed by JONATHAN GORDY
Date: 2021.10.08 10:37:53 -04'00'

Jonathan Gordy
Attorney for Complainant



Jon Troyer
Attorney for Respondent