

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

USDA  
OASIS  
MAY -6 PM 4:11  
RECEIVED

In re:

Dennis R. Smebakken d/b/a Rushmore  
Livestock, Inc., Randal C. Brumbaugh  
d/b/a Randal's Transportation, and  
Robert Paulson,

Respondents.

A.Q. Docket No.: 09-0026

Consent Decision

This proceeding was instituted under the Commercial Transportation of Equines for Slaughter Act (7 U.S.C. § 1901 note) (the Act) by a complaint filed by the Acting Administrator of the Animal and Plant Health Inspection Service alleging that respondent Randal C. Brumbaugh d/b/a Randal's Transportation violated the Act and regulations promulgated thereunder (9 C.F.R. §§ 88 et seq.). The complainant and respondent Randal C. Brumbaugh d/b/a Randal's Transportation have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes of this Consent Decision only, respondent Randal C. Brumbaugh d/b/a Randal's Transportation specifically admits that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admits nor denies the remaining allegations in the complaint, and admits to the Findings of Fact set forth below.

Respondent Randal C. Brumbaugh d/b/a Randal's Transportation waives:

- (a) Any further procedure;
- (b) Any requirement that the final decision in this proceeding contain findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof;
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision; and

(d) 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 the respondents in connection with this proceeding.

#### Findings of Fact

1. Randal C. Brumbaugh d/b/a Randal's Transportation, hereinafter referred to as respondent Brumbaugh, is the owner of a company that commercially transports horses to slaughter. He has a mailing address of 201 North Main Street, Platte, South Dakota 57369.
2. On or about March 28, 2005, 45 horses were commercially transported for slaughter.
3. On or about May 10, 2005, 44 horses were commercially transported for slaughter.
4. On or about June 28, 2005, 42 horses were commercially transported for slaughter.
5. On or about August 18, 2005, 42 horses were commercially transported for slaughter.
6. On or about September 21, 2005, 44 horses were commercially transported for slaughter.
7. On or about October 2, 2005, 39 horses were commercially transported for slaughter.
8. On or about November 8, 2005, 39 horses were commercially transported for slaughter.

#### Conclusions

The respondent has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

#### Order

The respondent Randal C. Brumbaugh d/b/a Randal's Transportation is assessed a civil penalty of twelve thousand five hundred dollars (\$12,500.00). The respondent Randal C. Brumbaugh d/b/a Randal's Transportation shall send a certified check or money order for seven

hundred dollars (\$700.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Accounts Receivable, P.O. Box 3334, Minneapolis, Minnesota 55403, within sixty (60) days from the effective date of this Order. The certified check or money order should include the docket number of this proceeding. The remaining eleven thousand eight hundred dollars (\$11,800.00) shall be paid in sixteen monthly installments of seven hundred dollars (\$700.00) and a seventeenth installment of six hundred dollars (\$600.00). The first installment shall be due on or before September 1, 2010; the second installment shall be due on or before October 1, 2010; the third installment shall be due on or before November 1, 2010; the fourth installment shall be due on or before December 1, 2010; the fifth installment shall be due on or before January 1, 2011; the sixth installment shall be due on or before February 1, 2011; the seventh installment shall be due on or before March 1, 2011; the eighth installment shall be due on or before April 1, 2011; the ninth installment shall be due on or before May 1, 2011; the tenth installment shall be due on or before June 1, 2011; the eleventh installment shall be due on or before July 1, 2011; the twelfth installment shall be due on or before August 1, 2011; the thirteenth installment shall be due on or before September 1, 2011; the fourteenth installment shall be due on or before October 1, 2011; the fifteenth installment shall be due on or before November 1, 2011; the sixteenth installment shall be due on or before December 1, 2011; and the seventeenth and final installment shall be due on or before January 1, 2012. Each installment shall be paid by a certified check or money order made payable to the Treasurer of the United States at the mailing address listed above. Each certified check or money order should include the docket number of this proceeding.

This Order shall become effective when served on the respondent.

  
**RANDAL C. BRUMBAUGH**  
 RANDAL'S TRANSPORTATION,  
 Respondent

  
**THOMAS NEIL BOLICK**  
 Attorney for Complainant

Issued this 6<sup>th</sup> day of May, 2010

at Washington, D.C.

  
Administrative Law Judge