

ORIGINAL

USDA
OALJ/OHC

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

2011 JUN -9 AM 10: 10

In re:) A.Q. Docket No.: 11-0209
)
Jack L. Gier and William D. Koubek)
d/b/a J&B Horse Company a.k.a. JBS)
Horse Company,) Consent Decision
)
Respondents.)

RECEIVED

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 Administrator of the Animal and Plant Health Inspection Service alleging that respondents Jack L. Gier and William D. Koubek d/b/a J&B Horse Company a.k.a. JBS Horse Company (hereinafter, respondent Gier and respondent Koubek) violated the Act and regulations promulgated thereunder (9 C.F.R. §§ 88 et seq.). The complainant, respondent Gier, and respondent Koubek have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes of this Consent Decision only, respondent Gier and respondent Koubek specifically admit that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admit nor deny the remaining allegations in the complaint, and admit to the Findings of Fact set forth below.

Respondent Gier and respondent Koubek waive:

- (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. Respondent Jack L. Gier is a resident of the state of Nebraska with a mailing address of 2672 North Highway 83, North Platte, Nebraska 69101. Respondent William D. Koubek is a resident of the state of Nebraska and has a mailing address of Box 272, Merna, Nebraska 68856. Respondent Gier and respondent Koubek were partners in J&B Horse Company a.k.a. JBS Horse Company in 2006.

2. On or about May 16, 2006, 51 horses were commercially transported for slaughter.

3. On or about May 21, 2006, 40 horses were commercially transported for slaughter.

Conclusions

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

Order

Respondents Jack L. Gier and William D. Koubek d/b/a J&B Horse Company a.k.a. JBS Horse Company are assessed a civil penalty of one thousand dollars (\$1000.00), half of which (\$500.00) shall be paid by respondent Gier and half of which (\$500.00) shall be paid by respondent Koubek. Respondent Gier and respondent Koubek each shall send a certified check or money order for five hundred dollars (\$500.00), payable to the Treasurer of the United States, to U.S. Bank, P.O. Box 979043, St. Louis, Missouri 63197, within thirty (30) days from the effective date of this Order. The certified checks or money orders should include the docket number of this proceeding, A.Q. Docket No.: 11-0209. Respondent Gier and respondent Koubek shall be jointly and severally liable for the total civil penalty of one thousand dollars (\$1000.00) in the event that either of them fails to make full and timely payment of his portion of the civil penalty.

This order shall become effective when served on respondent Gier and respondent Koubek

[REDACTED]

JACK L. GIER d/b/a J&B HORSE COMPANY a.k.a JBS HORSE COMPANY, Respondent

[REDACTED]

THOMAS NEIL BOLICK, Attorney for Complainant

[REDACTED]

WILLIAM D. KOUBEK d/b/a J&B HORSE COMPANY a.k.a JBS HORSE COMPANY, Respondent

Issued this 9th day of June, 2011 at Washington, D.C.

[REDACTED]

Administrative Law Judge