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UNITED STATES DEPARTMENT OF AGRICULTURE 2012 JUL 25 PM 3:16

BEFORE THE SECRETARY OF AGRICULTURE

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In re:

**Bruce Camenzind,
Respondent.**

P & S Docket No. D-12-0249

**CONSENT DECISION
and ORDER**

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 (GIPSA), United States Department of Agriculture, alleging that respondent, Bruce Camenzind, willfully violated the Act and the regulations promulgated thereunder (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

(a) Respondent, Bruce Camenzind, is an individual whose mailing address is in the State of Nebraska. In order protect the personal privacy of respondent his address was not included in this Consent Decision and Order but was provided to the Hearing Clerk for the purpose of effectuating service of process.

(b) Respondent is and, at all times material herein, was:

(1) Engaged in the business of a dealer buying and selling livestock in commerce for his own account; and

(2) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce and as a market agency buying livestock in commerce on a commission basis.

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, his agents and employees, successors or assigns, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from:

(1) Failing to pay and failing to pay, when due, the full purchase price of livestock as required by section 409 of the Act (7 U.S.C. § 228b); and

(2) Failing to have and maintain sufficient funds on deposit and available in the account upon which checks are drawn to pay them when presented.

Notwithstanding the immediately foregoing provisions, Respondent may enter into agreements with sellers of livestock pursuant to section 409(b) of the Act (7 U.S.C. § 228b(b)) to effect payment in a manner other than that required by section 409(a) of the Act (7 U.S.C. § 228b(a)), provided that said agreements are in writing and comply with the requirements of the Act and regulations.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondent is assessed a civil penalty in the amount of thirty thousand dollars (\$30,000.00), of which twenty five thousand dollars (\$25,000.00) shall be held in abeyance for a period of eighteen (18) months in accordance with the term and conditions set forth herein. If the respondent, his agents and employees, directly or indirectly, through any corporate or other device, after being afforded an opportunity for hearing, is found to have violated the provisions of the cease and desist order during a period of eighteen (18) months from the effective date of this order, the twenty five thousand dollars (\$25,000.00) shall become due and payable. Respondent will have twenty (20) days after receiving written notification from the Deputy Administrator of the Packers and Stockyards Program, indicating that the terms of this Order have been violated, to make full payment of twenty five thousand dollars (\$25,000.00) civil penalty without further procedure or hearing.

However, the immediately foregoing provision of this order is vacated upon the expiration of eighteen (18) months from the effective date of this order on the express condition that Respondent has not, prior to that date, been found in violation of any provision of the Act.

Respondent shall pay the remainder of the civil penalty amount of five thousand dollars (\$5,000.00) not held in abeyance via a check or money order made payable to the "Treasurer of the United States".

This Order shall have the same force and effect as if entered after a full hearing. The provisions of this Order shall become final and effective on the sixth day after service of this consent decision and order on the respondents.

Copies of this decision shall be served upon the parties.

[Redacted signature]

6/20/12

Bruce D. Camenzind
Respondent

[Redacted signature]

6/20/12

Douglas R. Switzer
Hathaway Switzer, LLC
Attorney for Respondent

[Redacted signature]

Krishna G. Ramaraju
Attorney for Complainant

Done at Washington, D.C.

this 25 day of June, 2012

[Redacted signature]

for Peter M. Davenport
Chief Administrative Law Judge