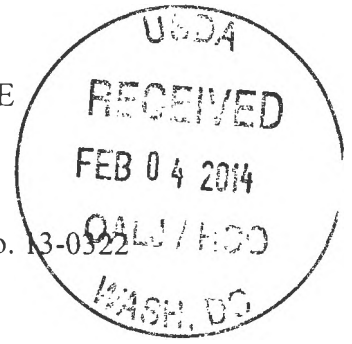


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P & S Docket No. 13-0322
)
)
Randy Welter,)
)
)
)
Respondent) Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act), 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 Randy Welter willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.). This Consent Decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

Respondent Randy Welter 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 Consent Decision.

Complainant agrees to the entry of this Consent Decision.

Findings of Fact

(a) Randy Welter (hereinafter referred to as “Respondent”) is an individual. The respondent’s mailing address will not be stated in this consent decision to protect the privacy of

Mr. Welter, but has been provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purposes of service.

- (b) Respondent is, and at all times material herein was:
 - (1) Engaged in the business of a market agency buying livestock in commerce on a commission basis; and
 - (2) Engaged in the business of a dealer buying and selling livestock in commerce; and
 - (3) Registered with the Secretary of Agriculture as a market agency to buy livestock in commerce on a commission basis and as a dealer to buy and sell livestock in commerce.

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

- 1. Directing market personnel to generate, or otherwise causing to be generated, invoices that mark up livestock prices without authorization and collecting undisclosed profits based on the marked up prices beyond authorized commissions;
- 2. Generating or causing to be generated, false or misleading records in connection with his activities subject to the Act, including, but not limited to
 - (a) Purchase invoices that represent livestock had been resold through the ring at the market the same day they were purchased when such livestock had not in fact been

resold through the ring at that livestock market;

(b) Purchase invoices that list purchase prices for livestock that are higher than the actual purchase prices; and

3. Failing to provide to the purchaser of livestock a true and accurate written account of all livestock purchases, as required by sections 312(a) of the Act and section 201.44 of the regulations (9 C.F.R. § 201.44) and otherwise failing to comply with section 201.53 of the regulations (9 C.F.R. § 201.53).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent Randy Welter is assessed a civil penalty in the amount of eight thousand dollars (\$8,000.00).


This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become effective on the sixth day after service of this Consent Decision and Order on Respondent.


Copies of this Consent Decision and Order shall be served upon the parties.

Done at Washington, D.C.

this 4 day of Feb, 2014


Jill S. Clifton
Administrative Law Judge


Randy Welter
Respondent


Lauren Axley
Attorney for Complainant