

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) P & S Docket No. D-14-0049  
)  
Gene Schatz, )  
)  
)  
)  
Respondent. ) 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, Gene Schatz (hereinafter, respondent), willfully violated the Act and the regulations promulgated thereunder (7 U.S.C. § 221 and 9 C.F.R. § 203.4). 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).

The 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.

I.

1. Respondent Gene Schatz is an individual with a home mailing address in the State of Wyoming. In order to protect the personal privacy of the individual respondent, his home address is not included in this Consent Decision and Order, but has been provided to the

Hearing Clerk of the United States Department of Agriculture (USDA) for purposes of effectuating service of process.

2. Respondent Gene Schatz, at all times material herein was:
  - a. Engaged in the business of a dealer, buying and selling livestock in commerce for his own account or the account of others;
  - b. Engaged in the business as a market agency, buying livestock in commerce on a commission basis; and
  - c. Registered with the Secretary of Agriculture as a dealer within the meaning of, and subject to the provisions of, the Act.

II.

Conclusions

The respondent having admitted the jurisdictional facts and the Parties having agreed to the entry of this decision, such decision will be entered.

III.

Order


The respondent, his agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from failing to maintain accounts, records and memoranda which fully and correctly disclose all transactions involved in his business as required by section 401 of the Act (7 U.S.C. § 221), and specified in section 203.4 of the Statements of General Policy under the Packers and Stockyards Act (9 C.F.R. § 203.4). The respondent, his agents and employees, directly or indirectly through any corporate or other device, shall maintain accounts, records and memoranda which fully and correctly disclose all transactions including, but not limited to:

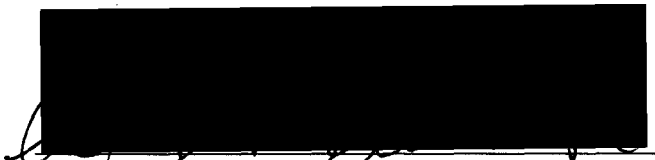
- purchase invoices from markets and from country purchases;
- load make-up sheets;
- scale tickets; and
- sales invoices;

The above listed records must each be retained for a minimum period of two (2) full calendar years.

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 decision shall be served upon the Parties.

  
Gene Schatz  
Respondent

  
Margaret A. Burns Rath  
Attorney for Complainant  
Office of the General Counsel  
United States Department of Agriculture  
South Building Room 2319  
1400 Independence Avenue, SW.  
Washington, D.C. 20250-1413  
(202) 720-2510

Done at Washington, D.C.

this 5<sup>th</sup> day of February, 2014



Administrative Law Judge

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