

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: )  
)  
) Docket No. 13-0361  
Kenneth and Carol Mezurek, d.b.a )  
Mezurek Livestock, )  
)  
Respondents ) **Consent Decision**  
)

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 the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that multiple Respondents, including Kenneth and Carol Mezurek, d.b.a Mezurek Livestock, wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in paragraph I of the Complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

Complainant agrees to the entry of this decision.

### Findings of Fact

1. Kenneth and Carol Mezurek, d.b.a. Mezurek Livestock, (collectively Mezurek Livestock) are individuals acting as a partnership, whose business and home address is in Grafton, OH.

2. Mezurek Livestock, at all times material to this amended complaint, is:

a. Engaged in the business of a dealer, buying and selling livestock in commerce for its own account;

b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock for its own account.

c. Registered with the Secretary of Agriculture as a market agency buying on commission.

### Conclusions

Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

### Order

Respondents, and their agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from:

1. Agreeing, or otherwise arranging, to take turns with competing cattle buyers to buy, or refrain from buying, livestock at auctions or other livestock markets; and,

2. Failing to conduct their livestock buying operations independently of and in competition with other dealers, market agencies or packers.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are assessed, jointly and severally, a civil penalty in the amount of six thousand dollars (\$6,000), to be paid according to the "Understanding Regarding Civil Penalty Payment Terms" entered into between the parties.

The provisions of this order shall become final and effective on issuance.

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.

this 15<sup>th</sup> day of May, 2014

  
Administrative Law Judge

  
Kenneth Mezurek  
Respondent

  
Carol Mezurek  
Respondent

  
Eric Pendergrass  
Attorney for Respondents

  
Jonathan Gordy  
Attorney for Complainant