

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
)
Peter Grubish)
d/b/a Grubish Cattle Company;)
Grubish Cattle Company, LLC;)
Hartland Livestock; and)
Hartland Livestock, LLC,)
)
Respondent)

P&S Docket No. D-18-0003
18-0004
18-0005
18-0006
Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Packers and Stockyards Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201 *et seq.*)(regulations), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture. The Complaint alleged that Respondent willfully violated the Packers and Stockyards Act and the regulations promulgated thereunder. Complainant and Respondent has agreed to entry of this Decision, without hearing or further procedure, pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138) (Rules of Practice).

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.

Findings of Fact

(1) Respondent is a sole proprietor (Peter Grubish) doing business under a number of names (Grubish Cattle Company, Grubish Cattle Company, LLC, Hartland Livestock, and Hartland Livestock, LLC); Peter Grubish and all entities named comprise the singular Respondent in this case, and Peter Grubish and all entities named are subject to this Consent Decision and the Order contained herein. Respondent's principal place of business and mailing address is 2263 S.E. 68th Street, Owatonna, Minnesota 55060.

(2) At all times material herein, Respondent was:

(a) Engaged in the business of a dealer, as that term is defined and used in the Act and the regulations promulgated thereunder.

(b) Registered with the Secretary of Agriculture as a dealer, as that term is defined and used in the Act and the regulations promulgated thereunder.

Conclusions

Respondent, having admitted the jurisdictional facts, and the parties having agreed to the entry of this Consent Decision, this Consent Decision will be entered.

Order

Respondent, his and its agents and employees, successors and assigns, directly or through any device, in connection with Respondent's activities subject to the Packers and Stockyards Act, shall cease and desist from purchasing livestock in commerce and failing to pay or failing to pay when due, the full purchase price of such livestock as prescribed by sections 312(a) and 409 of the Packers and Stockyards Act (7 U.S.C. §§ 213(a) and 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

Respondent shall further cease and desist from failing to maintain sufficient funds on deposit and available in the account upon which payment checks are drawn to pay such checks when presented, as required by section 312(a) of the Act (7 U.S.C. §§ 213(a)).

Pursuant to 7 U.S.C. § 204, Respondent, operating individually or through any corporate or other device, is prohibited from registering under the Act for a period of three (3) years, provided, however, that after 90 days Respondent may work as a salaried employee of an entity who is properly registered and bonded with the Packers and Stockyards Program or a Packer who is properly bonded pursuant to applicable regulations under the Packers and Stockyards Act. Upon application to the Grain Inspection Packers & Stockyards Administration a supplemental order may be issued terminating the suspension after one (1) year upon demonstration by Respondent that all unpaid livestock sellers have been paid in full.

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective upon on the sixth (6th) day after service of this Consent Decision and Order on Respondent.


PETER A. GRUBISH
Respondent


CHRISTOPHER YOUNG
Attorney for Complainant

Done at Washington, D.C.,

this 11th Day of October, 2017

 Acting Chief ALS

for
Bobbie J. McCartney
Administrative Law Judge

Chief