

United States Department of Agriculture

Before the Secretary of Agriculture

In re:	)	P&S Docket No. 19-J-0072
	)	
Sisseton Livestock, Inc.	)	
	)	
	)	
Respondent	)	
	)	Decision Without Hearing by
	)	Reason of Consent

REC'D - USDA/OALJ/OHC  
2019 NOV 12 AM 10:57

This proceeding was instituted under the Packers and Stockyards Act of 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (the Act) by a Complaint filed by the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service, United States Department of Agriculture, alleging that the Respondents willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.) (Regulations). This consent 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 Sisseton Livestock, Inc., 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, waive oral hearing and further procedure, waive all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waives any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by respondent in connection with this proceeding or any action against any USDA employee in their individual capacity.

1. Issuing invoices that do not accurately represent the purchase or sale of livestock in any respect, including, but not limited to, the purchase price, weight, or status of consignment to the market.
2. Issuing invoices that do not reflect the weight of livestock at the time the livestock was weighed on the market's scale.
3. Issuing invoices that do not reflect actual animals sold or consigned to Respondent.

Pursuant to section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent is assessed a civil penalty in the amount of twenty thousand dollars (\$20,000), with ten thousand dollars (\$10,000) held in abeyance. The ten thousand dollar (\$10,000) civil penalty not held in abeyance is due immediately upon execution of this Consent Decision. Respondents shall send a certified check or money order in the amount of ten thousand dollars (\$10,000.00), payable to the Treasurer of the United States to: attn., Jonathan Gordy, Room 2343-S, 1400 Independence Ave. SW, Washington, DC 20250-1400. The certified check or money order shall include the docket number of this proceeding. The remaining ten thousand dollars (\$10,000) of the civil penalty shall be held in abeyance for two years pending satisfaction of the terms stated in the Order.

If, upon a petition to the Administrative Law Judge by Complainant, the Administrative Law Judge determines by written record that Respondent failed to comply with any of the terms of this consent decision during the period of abeyance, the full civil penalty shall be reinstated, and any remaining balance of the civil penalty will become immediately due and payable.

Respondent expressly waives any further oral hearing procedure with respect to this Consent decision.

Respondent consents and agrees, for the purpose of settling this proceeding, to the entry of this decision. Complainant agrees to the entry of this decision.

#### Findings of Fact

1. Sisseton Livestock Auction, Inc. (Respondent) is a business organized under the laws of and located in the State of South Dakota, with a mailing address of P.O. Box 275, Sisseton, SD 57262 and physical address of 1020 3rd Ave West, Sisseton SD 57262.
2. Respondent is, and at all times material herein was:
  - a. Engaged in the business of conducting and operating a posted stockyard subject to the provisions of the Act;
  - b. Engaged in the business of a market agency selling consigned livestock in commerce on a commission basis at the stockyard; and
  - c. Registered with the Secretary of Agriculture as a market agency selling livestock in commerce on a commission basis.

#### Conclusion

Respondent having admitted the jurisdictional facts, and the parties having agreed to the entry of this consent decision, the consent decision and order will be entered.

#### Order

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

1. Issuing invoices that do not accurately represent the purchase or sale of livestock in any respect, including, but not limited to, the purchase price, weight, or status of consignment to the market.
2. Issuing invoices that do not reflect the weight of livestock at the time the livestock was weighed on the market's scale.
3. Issuing invoices that do not reflect actual animals sold or consigned to Respondent.

Pursuant to section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent is assessed a civil penalty in the amount of twenty thousand dollars (\$20,000), with ten thousand dollars (\$10,000) held in abeyance. The ten thousand dollar (\$10,000) civil penalty not held in abeyance is due immediately upon execution of this Consent Decision. Respondents shall send a certified check or money order in the amount of ten thousand dollars (\$10,000.00), payable to the Treasurer of the United States to: attn., Jonathan Gordy, Room 2343-S, 1400 Independence Ave. SW, Washington, DC 20250-1400. The certified check or money order shall include the docket number of this proceeding. The remaining ten thousand dollars (\$10,000) of the civil penalty shall be held in abeyance for two years pending satisfaction of the terms stated in the Order.

If, upon a petition to the Administrative Law Judge by Complainant, the Administrative Law Judge determines by written record that Respondent failed to comply with any of the terms of this consent decision during the period of abeyance, the full civil penalty shall be reinstated, and any remaining balance of the civil penalty will become immediately due and payable.

Respondent expressly waives any further oral hearing procedure with respect to this Consent decision.

This decision shall become final and effective without further proceedings upon issuance.

Copies of this order shall be served on the parties.

Done at Washington, D.C.

this 12<sup>th</sup> day of November, 2019

[Redacted Signature]

Chief Administrative Law Judge

*Channing D. Strasser*

[Redacted Signature]

Jonathan Gordy  
Attorney for the Complainant

[Redacted Signature]

Jara Settles  
Attorney for Respondent