

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
Bartels Packing, Inc.	)	
d.b.a. Bartels Farms, and	)	P&S Docket No. 19-J-0115
Christopher J. Bartels,	)	P&S Docket No. 19-J-0116
	)	
Respondents.	)	

REC'D - USDA/DALJ/OHC  
2020 MAR 27 PM 8:47

**CONSENT DECISION AND ORDER AS TO BARTELS PACKING, INC.**

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”), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) (the “Regulations”), by a Complaint filed by the Deputy Administrator of the Fair Trade Practices Program of the Agricultural Marketing Service, United States Department of Agriculture (“Complainant”), alleging that Bartels Packing, Inc., doing business as Bartels Farms, and Christopher J. Bartels (“Respondents”) willfully violated the Act and Regulations. This Consent Decision and Order (“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 Bartels Packing, Inc. admits the jurisdictional allegations specific to it in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, waives all rights to seek judicial review and otherwise challenge or contest the validity of this Consent Decision, including waiving challenges to the Administrative Law

Judge's authority to enter this Consent Decision 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, 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

1. Bartels Packing, Inc. is a business incorporated under the laws of the State of Oregon in October 2011. At all times relevant to the complaint it had a business address of 4325 Commerce St., Eugene, OR 97402 and a mailing address of P.O. BOX 24208, Eugene, Oregon, 97402.

2. At all times relevant to the allegations pertinent herein, Bartels Packing, Inc. operated under the trade name Bartels Farms. Since on or about December 1, 2012, Respondent Bartels Packing, Inc. has been:

(a) Engaged in the business of buying livestock in commerce for the purpose of slaughter, and of manufacturing or preparing meats or meat food products for sale or shipment in commerce; and

(b) A packer within the meaning of, and subject to the provisions of, the Act.


#### Conclusions of Law


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

Order

1. Respondent, its agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from:
  - (a) Failing to pay the purchase price of livestock when due within the time period required by the Act; and
  - (b) Failing to pay for the purchase price of livestock.
2. Respondent Bartels Packing, Inc. agrees to the proper distribution of all assets under the applicable law of receivership in the state of Oregon.


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

  
TERESA H. PEARSON  
Attorney for Pivotal Solutions, Inc.,  
Receiver, on behalf of Bartels Packing, Inc.  
Respondent

  
BRIAN T. HILL  
Attorney for Complaint

Issued in Washington D.C.

this 27<sup>th</sup> day of March, 2020

  
Chief Administrative Law Judge