

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/DALJ/OHC
2020 MAR 30 PM2:41

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.)

CONSENT DECISION AND ORDER AS TO CHRISTOPHER J. BARTELS

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 Christopher J. Bartels admits the jurisdictional allegations specific to himself 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, 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. Christopher J. Bartels is an individual who, at times relevant to the complaint, had a business mailing address of P.O. BOX 24208, Eugene, Oregon, 97402.
2. Respondent Christopher J. Bartels at all times material herein was:
 - (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;
 - (b) A packer within the meaning of, and subject to the provisions of, the Act;
 - (c) President, Secretary and Owner of Respondent Bartels Packing, Inc.; and
 - (d) Responsible for the direction, management and control of Respondent Bartels Packing, Inc.

Conclusions of Law

Respondent Christopher J. Bartels 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 Christopher J. Bartels, his 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 the full purchase price of livestock.


2. Respondent Christopher J. Bartels agrees to forego owning or operating a packing business for a period of five years. This does not preclude Christopher J. Bartels from working as an employee of a business owned and operated by a third party. After a period of three years, if all livestock sellers subject to the complaint have been paid in full, Mr. Bartels may petition AMS to resume activities as an owner or operator of a packing business. AMS has the sole discretion to determine whether such debts have been paid. Upon a satisfactory showing of the extinguished debts, AMS will notify the Office of the Administrative Law Judges that the provisions of this consent decision have been fulfilled and petition that he be free to resume business unimpeded.

This Order shall have the same force and effect as if entered after a full hearing. The provisions of this Order shall become effective on the day after service of this Order on Respondent.

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



CHRISTOPHER J. BARTELS
Respondent


PER RAMFJORD
SAMANTHA SONDAG
Attorneys for Respondent


BRIAN T. HILL
Attorney for Complaint

Issued in Washington D.C.

this 30th day of March, 2020


Administrative Law Judge

Christ

Channing