

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)		
)		
Larson Livestock, Inc. and)	P&S Docket No.	19-J-0073
Carson Larson)		19-J-0074
)		
)		
Respondents)	Decision without Hearing	
)	Based on Consent	

REC'D - USDA/OALJ/OHC
2020 APR 17 AM 8:30

This is a disciplinary proceeding under the Packers and Stockyards Act, 1921 as amended and supplemented (7 U.S.C. §§ 181 et seq.) (Act); the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. §§ 201.1 et seq.) (regulations); and the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130-1.151) (Rules of Practice).

Respondents admit the jurisdictional allegations set forth in paragraph I of the Complaint, specifically admit that the Secretary has jurisdiction in this matter, neither admits nor deny the remaining allegations, waive oral hearing and further procedure, waive all rights to seek judicial review and otherwise challenged or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Decision under the Administrative Procedure Act and the Constitution of the United States, and waive 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 Respondents in connection with this proceeding or any action against any USDA employee in their individual capacity.

Complainant agrees to the entry of this consent decision and order.

Findings of Fact

1. Larson Livestock, Inc. (Respondent Corporation) is a corporation organized under the laws of the State of South Dakota, with a business mailing address of P.O. Box 17, Columbia SD 57433, and an operational address of 39655 Larson Rd, Columbia SD, 57433.
2. Carson Larson (Respondent Larson) is an individual whose current address is in the (b) (6) His address will not be stated in this consent to protect his privacy, but his address has been provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service.
3. Respondent Larson was, at all times material to this consent, the 29.46% owner, vice president, and a manager of the Respondent Corporation.
4. Respondent Larson, at all times material herein, and as an owner and manager of Respondent Corporation, individually engaged in the business of a market agency buying livestock on a commission basis, and engaged in the business of the dealer buying and selling livestock in commerce.
5. Respondent Corporation, under the direction, management, and control of Respondent Larson, at all times material herein was:
 - a. Engaged in the business of a dealer buying and selling livestock,
 - b. Engaged in the business of a market agency buying livestock in commerce on a commission basis; and
 - c. Registered with the Secretary of Agriculture as a market agency to buy livestock in commerce on a commission basis, as a dealer to buy and sell livestock in commerce, and as a clearor.

Conclusion

Respondents 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

Respondents, their agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from:

- a. creating, falsifying, or inducing the creation of invoices that show false price or weight,
- b. inaccurately representing the purchase price or weight in transactions where they are a market agency buying or selling livestock in commerce, or
- c. taking a profit on transactions when purchasing livestock on a commission basis without disclosing those profits or commissions to their principals.

Pursuant to section 401 of the Act (7 U.S.C. § 221), Respondents shall keep and maintain records sufficient to fully and correctly disclose all transactions involved in their business, including, but not limited to banking records, inventory records, purchase invoices, sales invoices, and scale tickets.


In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent Corporation is assessed a civil penalty in the amount of fifty thousand dollars (\$50,000). Respondent Corporation shall pay by April 30, 2020 by check or money order payable to the U.S. Treasury, indicating that the payment is in reference to P&S Docket No. 19-J-0073, and sent to:


USDA-AMS-FTPP-PSD
P.O. Box 979064
St. Louis, Missouri 63197-9000


In accordance with 7 U.S.C. § 204, Respondent Larson is further suspended as a registrant from all livestock operations for two (2) years and prohibited from being employed by any entity where he would engage in activities for which registration is required.

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


Copies of this Decision and Order shall be served by the Hearing Clerk upon each of the parties.



David Domina
Attorney for Respondents 




Carson Larson



JONATHAN GORDY
Jonathan Gordy
Attorney for Complainant

Done at Washington, DC
this 17th day of April, 2020.



Channing D. Strother
Chief Administrative Law Judge
on Behalf of Jill S. Clifton
Administrative Law Judge