

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Frey Cattle Company, Inc.; and) P&S-D Docket No. 20-J-0131
Alan Halfmann,) P&S-D Docket No. 20-J-0132
)
Respondents.)

CONSENT DECISION AND ORDER

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 Frey Cattle Company, Inc. and Alan Halfmann (collectively “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).

Respondents admit the jurisdictional allegations in paragraph 1 of the Complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny 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 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 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, and consent and agree, 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. Respondent Alan Halfmann is an individual with an address of 14102 US Highway 83, Ballinger, Texas 76821.
2. Respondent Halfmann at all times material herein was:
 - (a) Engaged in the business of buying and selling livestock in commerce on his own account and for the account of others;
 - (b) A dealer within the meaning of, and subject to, the provisions of the Act;
 - (c) President and principal owner of Frey Cattle; and
 - (d) Responsible for the direction, management and control of Frey Cattle Company, Inc.
3. Respondent Frey Cattle Company, Inc. is a corporation organized under the laws of the state of Texas, and has a business address of 14102 US Highway 83, Ballinger, Texas 76821.
4. Frey Cattle Company, Inc., while under the direction, management, and control of Alan Halfmann, was at all times material herein:

- (a) Engaged in the business of buying and selling livestock in commerce on its own account and for the account of other; and
- (b) A dealer within the meaning of, and subject to, the provisions of the Act.

Conclusions of Law

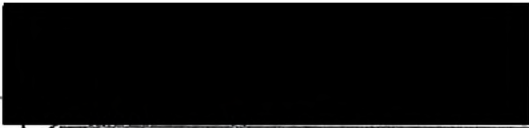
Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this Consent Decision, the Consent Decision will be entered.

Order

1. Respondents shall, directly or through any corporate or other device, in connection with their operations subject to the Act, cease and desist from failing to pay the purchase price of livestock when due within the time period required by the Act.
2. In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are jointly and severally assessed a civil penalty in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00). Respondents agree to make this payment, in full, through PAY.GOV, within seven days of the effective date of this Order.

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.



ALAN HALFMANN
Respondent



FREY CATTLE COMPANY, INC.
Respondent



BRIAN HILL
Attorney for Complaint

Issued in Washington D.C.

this 13 day of October, 2020



TIERNEY CARLOS
Administrative Law Judge