

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	
)	
Blue Horse Company, LLC, and)	P&S Docket No. 15-0026
Shawn Breitsprecher,)	P&S Docket No. 15-0027
)	
Respondents)	Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act), by a complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Respondents Blue Horse Company, LLC, and Shawn Breitsprecher willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.) and that Blue Horse Company, LLC's application for registration under the Act should be denied. This Consent Decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

Respondents Blue Horse Company, LLC, and Shawn Breitsprecher admit the jurisdictional allegations in paragraph I 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, 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. Blue Horse Company, LLC is a domestic limited liability company with a mailing address of P.O. Box 55, Ossian, IA 52161.
2. Respondent Blue Horse Company, LLC, under the management of Respondent Shawn Breitsprecher, is, and at all times material herein was:
 - (a) Engaged in the business of a livestock dealer buying and selling livestock in commerce for its own account; and
 - (b) Not registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.
3. Respondent Shawn Breitsprecher is an individual whose business mailing address is P.O. Box 55, Ossian, IA 52161. Respondent Shawn Breitsprecher is, and at all times material herein was:
 - (a) Manager of Respondent Blue Horse Company, LLC; and
 - (b) Responsible for the management and day to day operations of Respondent Blue Horse Company, LLC.
4. Respondent Shawn Breitsprecher is, and at all times material herein was:
 - (a) Engaged in the business of managing and operating Respondent Blue Horse Company, LLC; and
 - (b) Engaged in the business of a dealer buying and selling livestock in commerce.

Conclusions

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

Order

Respondent Blue Horse Company, LLC, and Respondent Shawn Breitsprecher, their 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:

1. Recording the weight of livestock at other than their true and correct weights;
2. Assessing and collecting purchase amounts for livestock from buyers on the basis of false or incorrect weights;
3. Failing to base the payment of livestock on the actual weight of the livestock in accordance with section 201.55 of the Regulations (9 C.F.R. § 201.55); and
4. Failing to otherwise operate in compliance with section 201.55 of the Regulations (9 C.F.R. § 201.55).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent Blue Horse Company, LLC, and Respondent Shawn Breitsprecher are assessed, jointly and severally, a civil penalty in the amount of twenty-nine thousand dollars (\$29,000.00). Respondents shall make an initial payment of two thousand and six hundred dollars (\$2,600.00) within 30 days of the effective date of this Consent Decision and Order. The remaining twenty-six thousand and four hundred dollars (\$26,400.00) shall be paid in eleven (11) monthly installments of two thousand and four hundred dollars (\$2,400.00) each. The first of the eleven installments shall be due on or before September 1, 2015, and the remaining ten (10) installments shall be due on or before the

first day of each month thereafter until the civil penalty is paid in full. Each payment shall be paid by a certified check, cashier's check, or money order made payable to the "Treasurer of the United States" and include the docket numbers of this proceeding, P & S Docket Nos. 15-0026 and 15-0027, on the check or money order. All payments shall be mailed in an envelope with sufficient first class postage to USDA GIPSA, PO Box 790335, St. Louis, Missouri 63179-0335. If Respondents fail to comply with any of the terms of this Consent Decision, any remaining balance of the civil penalty will become immediately due and payable. Respondents expressly waive any further procedure related to this enforcement action including waiver of any procedure in connection with its compliance or non-compliance with the terms of this Consent Decision.

Respondent Blue Horse Company, LLC must increase the size of its bond coverage from \$85,000 to \$95,000. This increase is based on the volume of livestock purchases Respondent Blue Horse Company, LLC reported on its annual report for 2014, filed with GIPSA. The Midwestern Regional Office (MRO) of GIPSA will accept the application for registration for Respondent Blue Horse Company, LLC upon receipt of the increase in bond coverage and the signed Consent Decision. Respondent Blue Horse Company, LLC shall provide MRO with either a fully executed duplicate of a \$10,000 increase rider to its existing letter of credit, or a photographically reproduced copy of a new letter of credit in the amount of \$95,000. Respondent Blue Horse Company, LLC shall also provide a copy of the increase rider or new letter of credit to Complainant's Attorney, when returning the signed Consent Decision to Complainant's Attorney for her signature.

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

Decision and Order on Respondent Blue Horse Company, LLC, and Respondent Shawn Breitsprecher.

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

Done at Washington, D.C.

this 10 day of July, 2015

 for

Administrative Law Judge

Janice K. Bullard

Blue Horse Company, LLC
Respondent.

By: 

Title: Owner



Shawn Breitsprecher
Respondent



Steven P. Wandro
Attorney for Respondents



for Lauren C. Axley
Attorney for Complainant