

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
Stardale Farms, LLC,	)	Docket No. D-21 J 0067
	)	
and	)	
	)	
Kevin Beachy,	)	Docket No. D 21 J 0068
	)	
Respondents	)	Consent Decision and Order

REC'D - USDA/OALJ/HCO'  
2021 SEPT 29 3:53 PM'

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, Fair Trade Practices Program, Agricultural Marketing Service (AMS), United States Department of Agriculture, alleging that Respondents willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). This 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 the Complaint and specifically admit that the Secretary has jurisdiction in this matter, admit the remaining allegations as set forth herein as findings of fact and conclusions of law, waive oral hearing and further procedure, waive all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Decision and Order 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.

The parties consent and agree, for the purpose of settling this proceeding, to the entry of this Decision and Order.

FINDINGS OF FACT

1. Respondent Stardale Farms, LLC (Corporate Respondent) is a limited liability company registered with the State of Ohio. Its business and mailing address is 7561 Township Rd. 665, Dundee, Ohio 44624.
2. Respondent Kevin Beachy (Individual Respondent) is 100% owner of Stardale Farms, LLC. His address is not stated to protect personal privacy but has been provided to the Hearing Clerk, United States Department of Agriculture.
3. Respondents are, and at all times material herein, were:
  - (a) Engaged in the business of a dealer buying and selling livestock in commerce.
  - (b) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce and as a market agency buying livestock in commerce on a commission basis.

CONCLUSIONS OF LAW

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

ORDER

- I. Respondents, their agents and employees, directly or through any corporate or other device, in connection with all operations subject to the Act, shall cease and desist from:
  - (a) Issuing checks or wires in payment for the livestock purchases which checks or wires are returned unpaid by the bank upon which they are drawn because

Respondents do not have and maintain sufficient funds on deposit and available in the account upon which they are drawn to pay such checks or wires when presented;

(b) failing to pay, when due, the full purchase price of livestock; and

(c) failing to maintain adequate records that disclose the true nature of any and all of Respondents' transactions subject to the Act, including but not limited to: purchase records, sales records, invoices, checks in purported payment of transactions, and bank records.


2. In accordance with 7 U.S.C. § 213 (b), Respondents are assessed a civil penalty in the amount of eight thousand dollars (\$ 8,000), to be paid by certified check or money order made payable to the Treasurer of the United States and sent to USDA AMS, FPHP, PSD, P.O. Box 979064, St. Louis, Missouri 63197-9000. The certified check or money order shall include the docket number of this proceeding as assigned by the Hearing Clerk to the Complaint. The civil penalty will become due and payable 60 days after the effective date of this order.

The provisions of this Order shall become effective upon issuance. Copies of this decision shall be served upon the parties.




Respondent



CHRISTOPHE  
R YOUNG 

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Christopher Young  
Attorney for the Complainant  
Office of the General Counsel, USDA  
U.S. Department of Agriculture-1400 Independence Ave., S.W. room 2343  
Washington, D.C. 20250-1400

Done at Washington, D.C.  
this 29th day of Sept., 2021  
CHANNING STROTHER   
Digitally signed by  
CHANNING STROTHER  
Date: 2021.09.29 15:48:42  
-04'00'

Chief Administrative Law Judge