

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: )  
)  
)  
Kenneth Mezurek, d.b.a. ) Docket No. 20-J-0039  
Mezurek Livestock, )  
)  
)  
Respondent ) **Consent Decision**

REC'D - USDA/OALJ/HCO  
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This proceeding arises under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.) (Regulations). On February 7, 2020, on behalf of the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service, United States Department of Agriculture (USDA), James Ivy signed and filed a Complaint alleging that the Respondent willfully violated sections of the Act and the Regulations. Complainant and Respondent have agreed to entry of this Decision, without hearing or further procedure, pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138). Respondent admits the jurisdictional allegations in paragraph I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter; neither admit nor deny 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 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 USDA under the Equal Access to Justice Act (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by Respondent in

connection with this proceeding or any action against 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 Decision.

#### Findings of Fact

1. Kenneth Mezurek, d.b.a. Mezurek Livestock, (Mezurek or Respondent) is an individual, whose business and home address is in [REDACTED] and the address is separately provided to the Hearing Clerk to protect their personally identifiable information.

2. Mezurek, at all times material to this consent, was:

(a) Engaged in the business of a dealer, buying and selling livestock in commerce for its own account;

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock for its own account.

(c) Registered with the Secretary of Agriculture as a market agency buying on commission.

(d) Was, at times material to this consent, an agent of Garver Inc. and Merlin Garver, purchasing livestock on a commission basis, and at other times, purchasing livestock on his own behalf.

#### Conclusions

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

#### Order

Without concluding that Respondent Mezurek violated the Act or its Regulations, Respondent Mezurek, his officers, directors, agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from:


1. Agreeing, or otherwise arranging, to take turns with other buyers when bidding on livestock at livestock auction markets; and
2. Failing to conduct buying operations in competition with, and independent of, other packers and dealers similarly engaged as set forth in Section 201.70 of the regulations (9 C.F.R. 201.70).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of seven thousand dollars (\$7,000). The provisions of this order shall become final and effective on issuance.

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.

this 26 day of October, 2021


  
 Administrative Law Judge

JONATHAN GORDY Digitally signed by JONATHAN GORDY  
Date: 2021.10.08 16:02:50 -04'00'

Jonathan Gordy  
 Attorney for Complainant



Christópher A. Kreuder  
 Attorney for Respondent



Kenneth Mezurek  
 Respondent