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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P&S Docket No. 18-0064
Bruce D. Camenzind, d/b/a	)	
Clarence E. Camenzind Funnel	)	
Trust; BK Farms; Dixon Ranch,	)	
	)	Decision without Hearing
Respondent	)	By Reason of Consent

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) by a Complaint filed by the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service (AMS), United States Department of Agriculture, alleging that the Respondent violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*) (Regulations). This 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).

Bruce D. Camenzind d.b.a. Clarence E. Camenzind Funnel Trust; BK Farms; Dixon Ranch, (Respondent) admits the jurisdictional allegations in paragraph I of the Complaint, specifically admits that the Secretary has jurisdiction in this matter, and neither admits nor denies the remaining allegations. Respondent waives oral hearing and further procedure, waives all rights to seek judicial review and otherwise challenge or contest the validity of this decision. Respondent waives any 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. Respondent also waives 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 respondent 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.

Findings of Fact

a. Respondent is an individual operating as a sole proprietor based in the state of

██████████ Respondent's office, principal place of business, and mailing address is ██████████

(b) (6) ██████████

b. At all times material herein, Respondent was:

1. Engaged in the business of a dealer buying and selling livestock in commerce for his own account and for the accounts of others; and

2. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce on a commission basis.

*Camenzind  
V  
JSC*

Conclusions of Law

Respondent ~~Roche~~ 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. Respondent Camenzind, his 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:

- a. Failing to pay the full purchase price for livestock purchases;
- b. Failing to pay, when due, the full purchase price of livestock;

c. Issuing checks in purported payment of livestock purchases without having and maintaining sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented; and

2. Respondent registration under the Act is suspended for a period of 30 days, during which time respondent will not operate in any capacity that is subject to the Act and regulations.

3. In accordance with sections 307 and 312(a) of the Act (7 U.S.C. §§ 208 and 213(a)) and section 201.42 of the Regulations (9 C.F.R. § 201.42), Respondent is assessed a civil penalty in the amount of \$15,000, to be paid by certified check or money order made payable to the Treasurer of the United States and sent to USDA GIPSA, PO Box 790335, St. Louis, Missouri 63179-0335. The certified check or money order shall include the docket number of this proceeding, Docket No. 18-0064. \$7,500 of the assessed civil penalty will become due and payable 30 days after the effective date of this order, and the remaining \$7,500 will become due and payable on December 1, 2018.

4. The three-year period of time between October 1, 2018 and September 30, 2021 shall be referred to as the "probation period." The Respondent agrees that if AMS notifies Respondent that it has documented a failure, during the probation period, to comply with the cease and desist provisions of paragraph one of this Order, upon receipt of such notice and copies of the supporting documentation, AMS may, without further procedure, suspend Respondent for 15 days and assess a civil penalty of \$35,000. The Respondent further agrees to a prospective waiver of his right to notice and opportunity for an oral hearing pursuant to Section 203 of the Act (7 U.S.C. § 193). The Complainant and the Respondent agree that Respondent may seek injunctive, declaratory, or other appropriate relief in the United States District Court for the District of Nebraska or in the United States District Court for the District of Columbia.

This Order shall have the same force and effect as if entered after a full hearing. The provisions of this Order shall become effective upon issuance. Copies of this decision and Order will be served upon the parties.


Done at Washington, D.C.

this 5 day of OCT, 2018



Administrative Law Judge

Jill S. Clifton



Bruce D. Camenzind d.b.a.  
Clarence E. Camenzind Funnel  
Trust; BK Farms; Dixon Ranch  
Respondent



Lauren E. Becker  
Attorney for Complainant