

J. Link —
Alan C. —
USDA
OAL/0HC

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

2008 MAR -7 PM 3: 39

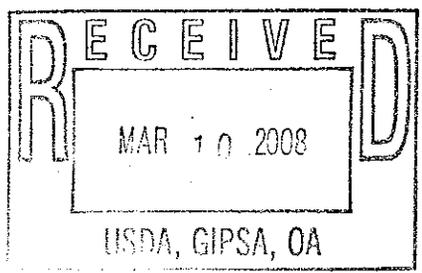
In re:)
) P & S Docket No. D-07-0072
)
) Clinton Kvasnicka)
)
) Respondent)
) Consent Decision

RECEIVED

This disciplinary proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.; hereinafter "Act"), by a Complaint filed on March 5, 2007, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (hereinafter "Complainant"), alleging that Respondent Clinton Kvasnicka has willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.; hereinafter "Regulations"). The consent decision is entered pursuant to the consent decision provision (7 C.F.R. § 1.138) of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130-1.151; hereinafter "Rules of Practice").

Respondent Clinton Kvasnicka admits the jurisdictional allegations in paragraph I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter; neither admits nor denies the remaining allegations; waives oral hearing and further procedure; and consent and agrees, 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.



CC: Brett

Findings of Fact

1. Clinton Kvasnicka (hereinafter "Respondent"), is an individual whose mailing address is 2116 K, Winona, Kansas 67764.
2. At all times material herein, Respondent was:
 - (a) Engaged in the business of buying livestock in commerce on a commission basis and buying and selling livestock in commerce for his own account or the account of others; and
 - (b) Not registered as a dealer or market agency with the Secretary of Agriculture; and
 - (c) Operating as a market agency and dealer within the jurisdiction of the Secretary.

Conclusions

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

Order

Respondent, as an individual, and his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from engaging in business in any capacity for which registration and bonding is required under the Act and the Regulations without registering with the Secretary of Agriculture and filing and maintaining an adequate bond or its equivalent as required by the Act and the Regulations.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is hereby assessed a civil penalty in the amount of One Thousand Dollars (\$1,000.00).

This order shall have the same force and effect as if entered after full hearing. The provisions of this order shall become final and effective on the sixth (6th) day after service of this order on Respondent.

Copies of this consent decision and order shall be served upon the parties.

Issued in Washington, D.C.

this 7th day of March, 2008



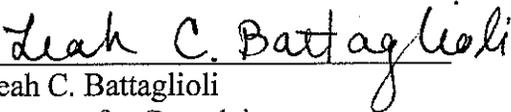
Administrative Law Judge



Clinton Kvasnicka
Respondent



Ken Eland
Attorney for Respondent



Leah C. Battaglioli
Attorney for Complainant