

Christian

2012 APR 10 10:35  
RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE

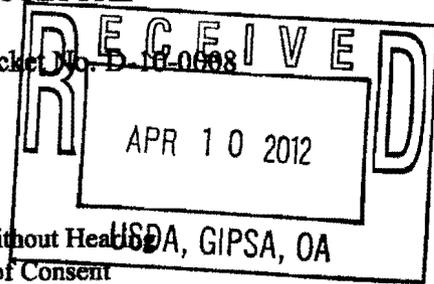
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Herreid Livestock Auction, Inc.  
and Joe Varner,

Respondents

) P. & S. Docket No. D-18-0608  
)  
)  
)  
)  
) Decision Without Hearing  
) By Reason of Consent



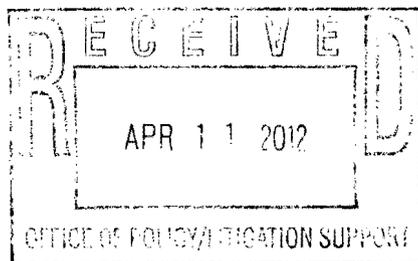
This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*)(the Act), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondents willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*)(the regulations). 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 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 decision.

The Complainant agrees to the entry of this decision.

Findings of Fact

1. Herreid Livestock Auction, Inc., (Corporate Respondent), is a corporation organized and existing under the laws of the State of South Dakota, with a mailing address of P.O. Box 67, Herreid, South Dakota 56537. Its street address is 1202 Main Street, Herreid, South Dakota 57632.



cc: Offutt

2. Corporate Respondent, at all times material herein, was:

(a) Engaged in the business of conducting and operating a posted stockyard subject to the provisions of the Act (the stockyard);

(b) Engaged in the business of a market agency selling livestock in commerce on a commission basis at the stockyard; and

(c) Registered with the Secretary of Agriculture as a market agency to sell livestock in commerce on a commission basis.

3. Joe Varner, (Individual Respondent), at all times material herein was:

(a) President of Corporate Respondent;

(b) 100 percent shareholder of Corporate Respondent; and

(c) The sole director of Corporate Respondent.

4. Individual Respondent was, at the time the Complaint in this case was filed, also the 100% owner of nine (9) other posted stockyards, and 50% owner of an additional six (6) posted stockyards.

#### Conclusions

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

### Order

Respondents Herreid Livestock Auction, Inc., and Joe Varner, their agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from engaging in the business of a market agency selling livestock in commerce on a commission basis while their financial condition does not meet the requirements of the Act (7 U.S.C. § 204).

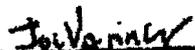
In accordance with 7 U.S.C. § 204, the registration of Corporate Respondent is suspended for a period of 21 days , with such suspension held in abeyance in accordance with the terms of the Understanding Regarding the Consent Decision (Understanding) entered into between Complainant and Respondents. If Respondents fail to satisfy the terms of the Understanding, the suspension will become effective, upon application of Complainant to the Administrative Law Judge, without further procedure. If Respondents satisfy the terms of the Understanding, Complainant shall request that the Administrative Law Judge issue an order terminating the suspension.

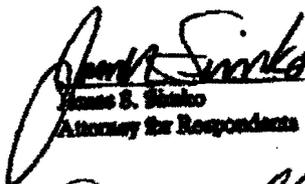
The Administrative Law Judge shall retain jurisdiction in this matter for the purpose of activating or terminating the suspension, currently held in abeyance, upon application of the Complainant as described herein.

The provisions of this order shall become effective on the sixth day after service of this order on the Respondent.

Copies of this decision shall be served upon the parties.

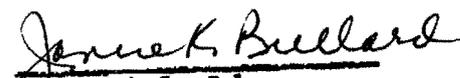
  
\_\_\_\_\_  
Joe Vanner  
for Harold Livestock Auction, Inc.

  
\_\_\_\_\_  
Joe Vanner

  
\_\_\_\_\_  
James S. Sisko  
Attorney for Respondents

  
\_\_\_\_\_  
Charles L. Kendall  
Attorney for Complainant

Issued this 9th day of April

  
\_\_\_\_\_  
Administrative Law Judge

JANICE K. BULLARD

7005 1160 0002 7835 9123

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**CERTIFIED MAIL™**



7005 1160 0002 7835 9123

7005 1160 0002 7835 9123

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

**JAMES S. SIMKO**  
200 EAST 10TH ST. - SUITE 200  
P.O. BOX 2498  
SIOUX FALLS, SD 57101