

UNITED STATES DEPARTMENT OF AGRICULTURE

09:52 AM - 11/3/52

BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P & S Docket No. 12-0635
)	
)	
United Producers, Inc.,)	
)	
)	
Respondent)	Consent Decision

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, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Respondent United Producers, Inc. willfully 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 Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

Respondent United Producers, Inc. 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 consents 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.

Findings of Fact

1. United Producers, Inc. (Respondent) is a cooperative incorporated and existing under the laws of the State of Ohio. Respondent's mailing address is 8351 North High Street, Suite 250, Columbus, OH 43235.

2. Respondent is, and at all times material to the Complaint was:

(a) Engaged in the business of conducting and operating a stockyard, No. MO161, physically located at 22783 US Highway 71, Maryville, MO 64468, which is posted under and subject to the provisions of the Act;

(b) Engaged in the business of buying and selling livestock in commerce on a commission basis;

(c) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce for its own account or for the account of others; and

(d) Registered with the Secretary of Agriculture as a market agency buying and selling livestock in commerce on a commission basis.

Conclusion

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

Order

Respondent United Producers, Inc., its agents and employees, directly or through any corporate or other device, in connection with its operations subject to the Act, shall cease and desist from:

1. Creating false or misleading records, on its own initiative or at the request of another, in connection with its activities subject to the Act, including, but not limited to: (a) invoices containing listed purchase prices for livestock that are higher than the actual purchase prices, and (b) invoices containing weights unsupported by a scale ticket; and
2. Failing to otherwise comply with section 201.55 of the Regulations (9 C.F.R. § 201.55).

Respondent shall keep and maintain accounts, records, and memoranda, which fully and correctly disclose the true nature of all transactions involved in its business subject to the Act as required by section 401 of the Act (7 U.S.C. § 221), including, but not limited to, scale tickets, and purchase invoices which completely and accurately reflect the true nature of the transactions.

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 One Hundred and Ten Thousand Dollars (\$110,000.00).

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become effective on issuance.

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

Done at Washington, D.C.

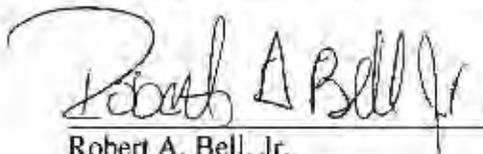
this 8th day of Nov, 2012


Administrative Law Judge

Respondent,
United Producers, Inc.

By: Robert A. Bell Jr.

Title: President & CEO



Robert A. Bell, Jr.
Attorney for Respondent

Leah C. Battaglioli

Leah C. Battaglioli
Attorney for Complainant