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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)	P & S Docket No. D-97-0026
)	
Cimarron Properties, Ltd. and)	
Wall Lake Cattle Co., Inc. d/b/a)	
Midlands Cattle Company and)	
Gordon Reisinger)	
)	
Respondents)	Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §181 et seq.) by a complaint filed by the Acting Deputy Administrator, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the respondents willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. §1.138).

The respondents admit 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, 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. Midlands Cattle Company (hereinafter referred to as respondent Midlands) is a partnership comprised of Cimarron Properties, Ltd. and Wall Lake Cattle Co., Inc. whose business mailing address is 2010 Commerce Road, Red Oak, Iowa 51566.

2. Respondent Midlands is and at all times material herein was:
 - (a) Engaged in the business of a dealer buying and selling livestock in commerce for its own account and buying livestock in commerce for the account of others; and
 - (b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for its own account and as a market agency to buy livestock in commerce on a commission basis. Respondent Midlands is also registered with the Secretary of Agriculture to furnish clearing services.
3. Gordon Reisinger (hereinafter referred to as respondent Reisinger) is an individual whose business mailing address is 2010 Commerce Road, Red Oak, Iowa 51566.
4. Respondent Reisinger is and at all times material herein:
 - (a) Was president of respondent Midlands;
 - (b) Held a fifty percent (50%) ownership interest in respondent Midlands; and
 - (c) Was responsible for the day-to-day direction, control and management of respondent Midlands.

Conclusions

The 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. Respondents consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision. As the respondents have admitted the jurisdictional facts and the parties have agreed to entry of this decision, such decision will be entered.

Order

Respondents Gordon Reisinger and Midlands Cattle Co., their agents and employees, directly or through any corporate or other device deny that they have in the past, but shall henceforth cease and desist from:

1. Arbitrarily adding weight to the actual purchase weight when selling livestock to customers on an actual weight basis under any circumstances;
2. Failing to pass to its customers the shrink weight allowances when selling livestock to customers on an actual weight basis; and
2. Falsifying records by listing on invoices to customers a sale weight that is different from the weight at which the cattle were purchased.

Pursuant to section 312(b) of the Act (7 U.S.C. §213b), the respondents are jointly and severally assessed a civil penalty in the amount of Five Thousand Dollars (\$5,000) to be tendered in full by the respondents upon the signing of the consent decision in the form of a certified check or money order made payable to the U.S. Department of Agriculture.

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

Copies of this decision shall be served upon the parties.

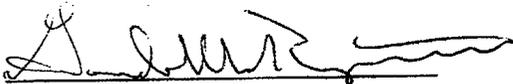
CIMARRON PROPERTIES, LTD. and
WALL LAKE CATTLE CO. d/b/a
MIDLANDS CATTLE COMPANY
Respondent

BY:



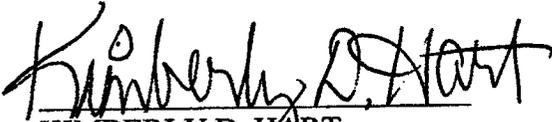


Title



GORDON REISINGER

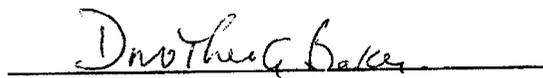
Respondent



KIMBERLY D. HART

Attorney for Complainant

Issued this day 22nd of July, 1998


Administrative Law Judge