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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:

David Vander Kooi  
Respondent

P. & S. Docket No. D-06-0003

Decision Without Hearing by Reason of  
Consent

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This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181-229)(“Act”), by a complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent willfully violated the Act and the regulations promulgated thereunder. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

Respondent 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 decision.

Complainant agrees to the entry of this decision.

### Findings of Fact

1. David Vander Kooi is an individual whose business address is 615 Main St Merrill, IA 51038.
2. Respondent is and at all times material to the complaint was:
  - (a) Engaged in the business of a dealer buying and selling livestock in commerce for his own account; and
  - (b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.

### Conclusions

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

### Order

Respondent David Vander Kooi, 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 failing to pay the full amount of the purchase price for livestock within the time period required by section 409 the Act (7 U.S.C. § 228b) and the regulations promulgated under the Act (9 C.F.R. 201.44).

Respondent and his agents and employees shall keep accounts, records and memoranda that fully and correctly disclose all transactions conducted subject to the Act, including, but not limited to: checking account balance records, check transaction records, accounts receivable journals, cash receipt journals, and invoices. Respondent shall strictly comply with the provisions of section 401 of the Act and 9 C.F.R. § 203.4.

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil

penalty in the amount of <sup>Three</sup> ~~Five~~ Thousand Dollars (~~\$4,000~~). <sup>3000 =</sup> <sup>J.D.G.</sup> <sup>D.V.K.</sup>

The provisions of this order shall become final and effective upon issuance.

Copies of this decision shall be served upon the parties.

Issued this 6<sup>th</sup> day of March, 2006 <sup>rn</sup>

[Signature]  
Administrative Law Judge

[Signature]  
David Vander Kooi  
Respondent

[Signature]  
W.E. (Gene) Collins  
Attorney for Respondent

[Signature]  
Jonathan D. Gordy  
Attorney for Complainant