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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE
USDA, GIPSA, OA

In re:)	P & S Docket No. D-07-0051
)	
Kent Frisell,)	
)	
Respondent)	
)	
)	Decision Without Hearing by Reason
)	of Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.), hereinafter the "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 has willfully violated the Act. 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 (Rules of Practice) 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) Kent Frisell, hereinafter "Respondent," is an individual whose business mailing address is c/o Harlan Feeders, 71049 L Road, Orleans, NE 68966.
- (2) At all times material herein, Respondent was:
 - (a) Engaged in the business of buying livestock on a commission basis in commerce within the meaning of and subject to the provisions of the Act;
 - (b) Not registered as a dealer or market agency with the Secretary of Agriculture; and
 - (c) Operating as a market agency within the jurisdiction of the Secretary.

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 Kent Frisell, his agents and employees, directly or through any corporate or other device, in connection with 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.

Respondent Kent Frisell is hereby assessed a civil penalty of twelve hundred dollars (\$1,200.00).

- PFS Docket "No. D-07-0051"

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

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

Issued this 3rd day of January, 2008


Administrative Law Judge


Kent Frisell
Respondent


Gary F. Ball
Attorney for Complainant