

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-09-0142
Scott Nemitz,)
Respondent) Decision

This proceeding was instituted under the Packers and Stockyards Act (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 the Respondent wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (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. Respondent Scott Nemitz, hereinafter "Respondent", is an individual doing business out of his private residence located in western Iowa.
2. Respondent is and at all times material herein was:
 - (a) A market agency buying livestock in commerce on a commission basis;
and.
 - (b) Individually registered with the Secretary of Agriculture as a dealer and as

a market agency buying on commission under the Act. Packers and Stockyards Program records show this registration as inactive.

Conclusions

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

Order

Respondent Scott Nemitz, directly or through any corporate or other device, in connection with his operations as a market agency buying livestock in commerce on a commission basis, shall cease and desist from purchasing livestock without filing the required bond under the Act and the regulations.

Respondent Scott Nemitz is suspended as a registrant for the period of thirty days, and thereafter until he has demonstrated that he has obtained and filed a bond or approved bond equivalent in the full amount required under the regulations. Jurisdiction is retained for the issuance of a Supplemental Order terminating Respondent's suspension following such demonstration to Packers and Stockyards Program.

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.


SCOTT NEMITZ.
Respondent


ERIC PAUL.
Attorney for Complainant

Issued this 14th day of ^{September} ~~August~~, 2009


MARC R. HILLSON
Chief Administrative Law Judge