UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P&S Docket № 11-0401
	)	
	)	
Michael Okragly, Cherry Okragly, and Okragly Cattle Company, Inc.,	)	
	)	
	)	
Respondents	)	

Decision Without Hearing by Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), 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 Respondents wilfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). 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).

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, and consent and agree, 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. Okragly Cattle Company, Inc., (Respondent Company), is a corporation organized and existing under the laws of the State of Montana, with a mailing address of P.O. Box 371, Billings, Montana 59103.

2. Respondent Company, at all times material to this decision, was:

(a) Engaged in the business of buying and selling livestock in commerce as a dealer,

(b) Engaged in the business of a market agency buying livestock on commission, and

(c) Registered with the Secretary of Agriculture as a dealer, and as a market agency to buy livestock in commerce on a commission basis.

3. Respondent Michael Okragly, at all times material to this decision was:

(a) President of Respondent Company;

(b) 51 percent shareholder of Respondent Company;

(c) was responsible for the day-to-day management and operation of Respondent Company;

(d) with his wife, Cherry Okragly, managed, directed, and controlled the operations of Respondent Company;

(e) was at all times relevant to this complaint engaged in the business of buying and selling in commerce livestock for his own account or as an agent of the purchaser.

4. Cherry Okragly, at all times material to this decision was:

(a) Secretary of Respondent Company;

(b) 49 percent shareholder of Respondent Company; and

(c) with her husband, Michael Okragly, managed, directed, and controlled the operations of Respondent Company.

Conclusions

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

Order

Respondents, their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and desist from failing to pass on a pencil-shrink allowance without their customer's knowledge and consent.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are assessed, jointly and severally, a civil penalty in the amount of fifteen thousand dollars ($15,000).

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

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.

this 14 day of May, 2012

[redacted]

Administrative Law Judge

[redacted]

Michael Okragley

[redacted]

Cherry Okragley

[redacted]

Jock West
Attorney for Respondents

[redacted]

Jonathan D. Gordy
Attorney for Complainant