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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	P&S Docket No. 12-0544
Weikert's Livestock, Inc., and Todd D. Weikert,	)	
Respondents	)	Consent Decision and Order

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 Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that respondents Weikert's Livestock, Inc., and Todd D. Weikert (hereinafter, respondents) willfully 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 provision 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 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.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Weikert's Livestock, Inc. (hereinafter, respondent corporation), is a corporation organized under the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 721 Carrolls Tract Road, Fairfield, Pennsylvania 17320 and a

business mailing address is P.O. Box 707, Fairfield, Pennsylvania 17320.

2. Respondent corporation, under the direction, management, and control of respondent Todd D. Weikert, is, and at all times material herein, was engaged in the business of buying and selling livestock in commerce.

3. Respondent Todd D. Weikert (hereinafter. respondent Weikert) is an individual with a business mailing address of P.O. Box 707, Fairfield, Pennsylvania 17320.

4. Respondent Weikert is, and at all times material herein was, the owner and president of respondent corporation and was engaged in the business of conducting and operating respondent corporation as a dealer buying and selling livestock in commerce.

Conclusions

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

Order

Respondents Weikert's Livestock, Inc., and Todd D. Weikert, their agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from failing to pay the full amount of the purchase price for livestock within the time period required by sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondents are hereby assessed a civil penalty in the amount of eight thousand one hundred dollars ($8,100.00). Respondents shall send a certified check or money order for eight thousand one hundred dollars ($8,100.00), payable to the Treasurer of the United States, to the U.S. Department of Agriculture, Room 2319 South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250-

1400, along with this signed consent decision and order. The certified check or money order should include the docket number of this proceeding, P&S Docket No. 12-0544.

The provisions of this order shall become effective on the sixth day after service of this consent decision and order on respondent.

Copies of this decision shall be served upon the parties.

Todd D. Weikert, individually and as
President, Weikert's Livestock, Inc.
Respondents

Ralph A. Taylor, Jr.
Arent Fox, LLP
Attorney for Respondents

Thomas N. Bolick
Attorney for Complainant

Done at Washington, D.C.

this 20 day of Sept, 2012

Administrative Law Judge
Jill S. Clifton