

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	
Tina Stockyards, LLC,)	P&S Docket No. D-13-0236
Carl Jacob Auer, and)	P&S Docket No. D-13-0237
Heather Auer)	P&S Docket No. D-13-0238
)	
)	
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.*) (Act), by a complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondents willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*)(Regulations). 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 Tina Stockyards, LLC, and Carl Jacob Auer 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 and the dismissal of the Complaint against Heather Auer with prejudice.

Findings of Fact

1. Respondent Tina Stockyards, LLC (Respondent Stockyards) is a member-managed Missouri LLC with a business mailing address of P.O. BOX 40, Tina, MO 64682.

2. At all times material to this Decision, Respondent Stockyards was:

a. Engaged in the business of conducting and operating a posted stockyard subject to the provisions of the Act;

b. Engaged in the business of a market agency selling consigned livestock in commerce on a commission basis at the stockyard; and

c. Registered with the Secretary of Agriculture as a market agency to sell livestock in commerce on a commission basis and as a market agency buying and selling livestock on a commission basis.

3. Respondent Jake Auer is an individual whose current mailing address is in the State of Missouri.

4. At all times material to the allegations of the Complaint, Respondents Jake Auer was:

- a. An owner and member of Respondent Stockyards;
- b. Engaged in the business of a market agency subject to the provisions of the Act.

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 Tina Stockyards LLC and Carl Jacob Auer, their agents and employees, directly or indirectly through any corporate or other device, in connection with their operations subject to the Packers and Stockyards Act, shall cease and desist from issuing accounts of sale that fail to provide a true and complete written account of sale as required by sections 201.43, 201.55 and 201.61 of the Regulations (9 C.F.R. §§ 201.43, 201.55, and 201.61) and the Act.

In accordance with section 312(b) of the Act (7 U.S.C. §213(b)), Tina Stockyards LLC and Carl Jacob Auer are jointly and severally assessed a civil penalty in the amount of seven thousand dollars (\$7,000.00).

The Complaint as to Heather Auer is dismissed with prejudice.

Copies of this decision shall be served upon the parties.

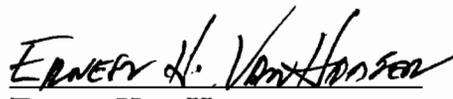
The provisions of this order shall become effective upon issuance.

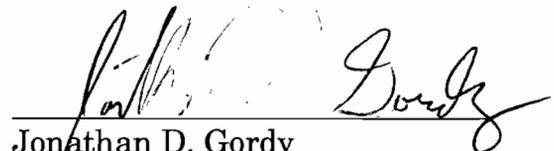
Done at Washington, D.C.

this 29th day of August, 2013


Administrative Law Judge


Carl Jacob Auer individually and for
Tina Stockyards, LLC


Ernest Van Hooser
Attorney for Respondents


Jonathan D. Gordy
Attorney for Complainant

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