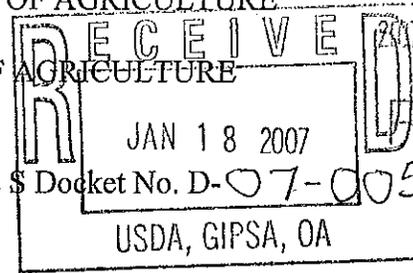


UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE



JAN 16 PM 2:25

RECEIVED

In re:

Kent Frisell,

Respondent

P & S Docket No. D-07-005J

USDA, GIPSA, OA

Complaint

There is reason to believe that the Respondent named herein has willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.; hereinafter referred to as the "Act"), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.; hereinafter referred to as the "Regulations"). Therefore, the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (hereinafter referred to as "Complainant"), pursuant to the Rules of Practice Governing Formal Adjudicatory Proceedings instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.; hereinafter referred to as the "Rules of Practice"), initiates this disciplinary proceeding alleging the following:

I.

(a) Kent Frisell, hereinafter referred to as "Respondent," is an individual whose mailing address is 421 Hancock Street, Holdredge, NE 68949.

(b) At all times material herein, Respondent was:

(1) 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; and

(2) Not registered as a dealer or market agency with the Secretary of Agriculture; and

(3) At all times material to this Complaint, operating as a market agency within the jurisdiction of the Secretary.

II.

Respondent was notified by hand-delivered letter, on September 8, 2005, that the Packers and Stockyards Program had information indicating Respondent may have been engaging in livestock operations covered by the Act without being registered with the Secretary. The letter referenced section 303 of the Act (7 U.S.C. § 203), 7 U.S.C § 204, and 9 C.F.R §§ 201.10 and 201.27- 201.34, and notified the Respondent of his obligation to file an application for registration and proof of suitable bond or bond equivalent with Packers and Stockyards Program before engaging in any operations subject to the Act.

On January 23, 2006, a Packers and Stockyards Program representative personally met with Respondent and instructed him to submit the required registration and bonding information and to refrain from engaging in activities subject to the Act until such requirements had been met. Notwithstanding such notice, Respondent continued to engage in the business of buying livestock on a commission basis without registering with the Secretary or maintaining an adequate bond as required by the Act and the Regulations.

III.

On or about the dates and in the transactions set forth below, Respondent engaged in the business of buying and selling livestock in commerce on a commission basis without being registered with the Secretary and without maintaining an adequate bond or bond equivalent.

Purchase Date	Purchaser	No. of Head	Cost of Livestock	Commission amount
Feb. 3, 2006	Gene Schmeits	93	\$60,315.64	\$277.45
Feb. 3, 2006	Robert Swett	110	\$67,459.98	\$267.60
Feb. 3, 2006	Roger Williams	93	\$61,398.95	\$281.73
Feb. 10, 2006	Gene Schmeits	96	\$62,999.53	\$287.00
Feb. 25, 2006	Gene Schmeits	99	\$63,471.48	\$285.02
Feb. 25, 2006	Roger Williams	53	\$32,786.95	\$164.00
Mar. 3, 2006	Schmeits & Webber	191	\$130,824.51	\$568.70
Mar. 10, 2006	Robert Swett	161	\$97,986.54	\$424.35
Mar. 17, 2006	Schmeits & Webber	92	\$62,726.31	\$280.57
Mar. 31, 2006	Roger Williams	97	\$59,903.20	\$298.95
Mar. 31, 2006	Schmeits & Webber	86	\$61,754.60	\$267.07
TOTALS		1,171	\$761,627.69	\$3,402.44

IV.

By reason of the facts alleged in paragraphs II and III, Respondent has willfully violated sections 303 and 312(a) of the Act (7 U.S.C. §§ 203, 213(a)), and sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§ 201.29, 201.30).

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether Respondent has willfully violated the Act and Regulations. Respondent shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington D.C. 20250, in accordance with the Rules of Practice. Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer will constitute an admission of all the material allegations of this complaint.

Packers and Stockyards Program, GIPSA, requests:

1. That unless Respondent fails to file an answer within the time allowed, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice; and

2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act found to exist, and assessing such civil penalty, as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 16 day of January, 2007



Alan R. Christian
Deputy Administrator,
Packers and Stockyards Program



Gary F. Ball
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
Room 2309, Stop 1413
1400 Independence Avenue, S.W.
Washington, D.C. 20250-1413
Telephone: (202) 720-1636