

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) P&S Docket No. D-13-0376  
)  
Christopher J. Bartels, )  
d/b/a Bartels Packing, )  
) Respondent ) Amended Complaint  
) and Notice of Hearing

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.*) (Act), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*), and, therefore, this Complaint and Notice of Hearing is issued alleging the following:

I

(a) Christopher J. Bartels, referred to herein as the respondent, is an individual doing business as Bartels Packing, with a mailing address of 88091 Central Road, Eugene, Oregon 97402.

(b) The respondent is, and at all times material herein was:

(1) Engaged in the business of buying livestock in commerce for the purpose of slaughter, and of manufacturing or preparing meats or meat products for sale or shipment in commerce; and

(2) A packer within the meaning of, and subject to the provisions of, the Act.

## II

On August 4, 2008, a Consent Decision was issued by this Court against the respondent in *In re Christopher J. Bartels d/b/a Bartels Packing*, P&S Docket No. D-07-0179. The Order was consented to and signed by the respondent and his attorney, and became final and effective upon issuance. The Order directed the respondent as an individual, and his agents and employees, directly or through any corporate or other device, in connection with his operations subject to the Act, to cease and desist from failing to pay, when due, the full purchase price of livestock. The Order also assessed the respondent a civil penalty in the amount of ten thousand five hundred dollars (\$10,500.00).

## III

(a) Between April 1 and August 12, 2010, the respondent purchased livestock from Chehalis Livestock Market, Chehalis, Washington (Chehalis); Everson Auction Market 1, L.L.C., Everson, Washington (Everson); Intermountain Livestock, Inc., La Grande, Oregon (Intermountain); Northwestern Livestock Commission Company, Hermiston, Oregon (Northwestern); and Toppenish Livestock Commission, Toppenish, Washington (Toppenish). The respondent did not enter into a credit agreement with any of these livestock sellers.

(b) The respondent, as a packer subject to the Act, purchased in 32 separate transactions \$670,039.59 worth of livestock, and failed to pay, when due, the full purchase price of such livestock. Specifically, the respondent remitted payment:

(1) 3 days late for cattle purchased from Chehalis on July 2, 2010, in the amount of \$9,552.62;

- (2) 3 days late for cattle purchased from Chehalis on July 9, 2010, in the amount of \$6,735.78;
- (3) 3 days late for cattle purchased from Chehalis on July 16, 2010, in the amount of \$8,562.88;
- (4) 3 days late for cattle purchased from Chehalis on July 23, 2010, in the amount of \$14,047.45;
- (5) 8 days late for cattle purchased from Chehalis on July 30, 2010, in the amount of \$25,115.54;
- (6) 1 day late for cattle purchased from Everson on July 14, 2010, in the amount of \$3,137.10;
- (7) 1 day late for cattle purchased from Everson on July 28, 2010, in the amount of \$4,058.68;
- (8) 4 days late for cattle purchased from Intermountain on April 1, 2010, in the amount of \$7,642.34;
- (9) 4 days late for cattle purchased from Intermountain on April 8, 2010, in the amount of \$11,880.50;
- (10) 4 days late for cattle purchased from Intermountain on April 15, 2010, in the amount of \$24,283.68;
- (11) 5 days late for cattle purchased from Intermountain on April 22, 2010, in the amount of \$33,573.76;
- (12) 5 days late for cattle purchased from Intermountain on April 29, 2010, in the amount of \$41,510.22;

- (13) 4 days late for cattle purchased from Intermountain on May 6, 2010, in the amount of \$7,190.65;
- (14) 1 day late for cattle purchased from Intermountain on May 13, 2010, in the amount of \$4,520.05;
- (15) 5 days late for cattle purchased from Intermountain on May 20, 2010, in the amount of \$33,308.96;
- (16) 5 days late for cattle purchased from Intermountain on June 24, 2010, in the amount of \$17,612.02;
- (17) 5 days late for cattle purchased from Intermountain on July 8, 2010, in the amount of \$23,815.74;
- (18) 5 days late for cattle purchased from Intermountain on July 15, 2010, in the amount of \$25,499.76;
- (19) 5 days late for cattle purchased from Intermountain on July 22, 2010, in the amount of \$24,689.14;
- (20) 6 days late for cattle purchased from Intermountain on July 29, 2010, in the amount of \$33,694.39;
- (21) 10 days late for cattle purchased from Intermountain on August 5, 2010, in the amount of \$38,882.56;
- (22) 5 days late for cattle purchased from Intermountain on August 12, 2010, in the amount of \$46,250.11;
- (23) 2 days late for cattle purchased from Northwestern on July 6, 2010, in the amount of \$14,242.29;

- (24) 1 day late for cattle purchased from Northwestern on July 20, 2010, in the amount of \$13,914.47;
- (25) 9 days late for cattle purchased from Northwestern on July 27, 2010, in the amount of \$9,894.42;
- (26) 7 days late for cattle purchased from Northwestern on August 3, 2010, in the amount of \$13,423.42;
- (27) 10 days late for cattle purchased from Toppenish on July 15, 2010, in the amount of \$25,225.68;
- (28) 7 days late for cattle purchased from Toppenish on July 19, 2010, in the amount of \$37,402.69;
- (29) 7 days late for cattle purchased from Toppenish on July 22, 2010, in the amount of \$32,715.99;
- (30) 6 days late for cattle purchased from Toppenish on July 29, 2010, in the amount of \$51,969.59;
- (31) 8 days late for cattle purchased from Toppenish on August 2, 2010, in the amount of \$25,537.11; and
- (32) 2 days late for cattle purchased from Toppenish on August 7, 2010, in the amount of \$150.00.

IV

By reason of the facts alleged in paragraph III, the respondent has willfully violated Sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a), 228b) and 9 C.F.R. § 201.43(b).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and regulation promulgated thereunder, this Complaint and Notice of Hearing shall be served upon the respondent. The respondent shall have twenty (20) days following receipt of this Complaint and Notice of Hearing in which to file with the Hearing Clerk, Room 1031 - South Building, United States Department of Agriculture, 1400 Independence Ave., S.W., Washington, D.C. 20250-9200, an answer with an original and three copies, fully and completely stating the nature of the defense and admitting or denying, specifically and in detail, each material allegation of this Complaint and Notice of Hearing. Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer shall constitute an admission of all the material allegations in this Complaint and Notice of Hearing, unless the parties have agreed to a consent decision pursuant to section 1.138 of the Rules of Practice (7 C.F.R. § 1.138). The respondent is hereby notified that unless hearing is waived, either expressly or by failure to answer and request a hearing as provided by sections 1.136 and 1.141 of the Rules of Practice (7 C.F.R. §§ 1.136, 1.141), a hearing for the above-mentioned purpose will be held in accordance with the Rules of Practice, at a time and place to be later designated, before an administrative law judge authorized to conduct such hearing. At the hearing, the respondent will have the right to appear and show cause why an appropriate order should not be issued, in accordance with the provisions of the Act, requiring the respondent to

cease and desist from violating the Act with respect to the matters alleged herein, and assessing an appropriate civil penalty.

Done at Washington, D.C., this

6<sup>th</sup> day of February, 2014

Susan B. Keith  
Susan B. Keith  
Deputy Administrator  
Packers and Stockyards Program

Susan C. Golabek  
Attorney for Complainant  
U.S. Department of Agriculture  
Office of the General Counsel  
Marketing, Regulatory, and Food Safety Programs Division  
1400 Independence Ave., S.W.  
Room 2319, South Building  
Washington, D.C. 20250-1400  
Telephone: (202) 690-2271