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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
)
 Robert Butzer & Sons, Inc.) Docket No.13-0356
)
)
)
 Respondent) **Consent Decision**
)

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act), by a Complaint the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that multiple Respondents, including Robert Butzer & Sons, Inc., violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, 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. Robert Butzer & Sons, Inc. is a corporation, whose business address is 6239 Wadsworth Rd., Orrville, Ohio, 44667-9726.

2. Robert Butzer & Sons, Inc., at all times material to this amended complaint, is:

a. Engaged in the business of a dealer, buying and selling livestock for its own account;

b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock for its own account.

Conclusions

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

Order

Respondent Robert Butzer & Sons, Inc. shall cease and desist from:

1. Agreeing, or otherwise arranging, to take turns with other buyers when bidding on livestock at livestock auction markets; and
2. Failing to conduct buying operations in competition with other dealers similarly engaged as set forth in Section 201.70 of the regulations (9 C.F.R. 201.70).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is

assessed a civil penalty in the amount of four thousand five hundred dollars (\$4,500) payable in three installments of fifteen hundred dollars (\$1500) upon execution, and two remaining payments postmarked July 30, 2015 and October 30, 2015. All payments referred to in this Order shall be by check or money order payable to the United States Department of Agriculture. All payments shall be mailed to: USDA, Grain Inspection Packers and Stockyards Administration, P.O. Box 790335, St. Louis, MO, 63179-0335. The check or money order should include the docket number of this proceeding. 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 18th day of April, 2015

[Redacted signature area]

Administrative Law Judge
JANICE K. BULLARD

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