

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D-07-0179
Christopher J. Bartels,)
d/b/a Bartels Packing)
)
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.; hereinafter “Act”), by a Complaint and Notice of Hearing filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (hereinafter “Complainant”), alleging that Respondent willfully violated the Act. This consent decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138; hereinafter “Rules of Practice”).

Christopher J. Bartels, d/b/a Bartels Packing, 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 consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

1. Christopher J. Bartels, d/b/a Bartels Packing (hereinafter “Respondent”), is an individual whose mailing address is 88091 Central Road, Eugene, Oregon 97402.

2. Respondent at all times material to the Complaint was:
 - (a) 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
 - (b) A packer within the meaning of, and subject to the provisions of, the Act.

Conclusion

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

Order

Respondent Christopher J. Bartels, d/b/a Bartels Packing, 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, shall cease and desist from failing to pay, when due, the full purchase price of livestock.


Pursuant to section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent is assessed a civil penalty in the amount of Ten Thousand Five Hundred Dollars (\$10,500.00) to be paid in accordance with the provisions of the Understanding with Respect to Civil Penalty entered into by the parties.


This order shall have the same force and effect as if entered after full hearing. The provisions of this order shall become final and effective upon issuance.


Copies of this consent decision and order shall be served upon the parties.

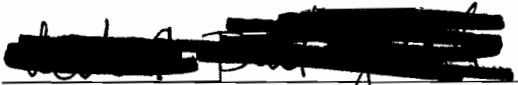
Issued in Washington, D.C.

this 4th day of August, 2008


Administrative Law Judge


Christopher J. Bartels
Respondent


Rohn M. Roberts
Attorney for Respondent


Leah C. Battaglioli
Attorney for Complainant