UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
Mitchell Lee Barthel	)	
d/b/a Rock'n M Cattle,	)	P&S Docket No. D19-J-0083
	)	
	)	
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*.) (Packers and Stockyards Act) and the regulations

promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201 *et seq*.)(regulations), by

a Complaint filed by the Deputy Administrator, United States Department of Agriculture,

Agricultural Marketing Service, Fair Trade Practices Program, Packers and Stockyards Division.

The Complaint alleged that Respondent willfully violated the Packers and Stockyards Act and

the regulations promulgated thereunder. Complainant and Respondent have agreed to entry of

this Decision, without hearing or further procedure, pursuant to the consent decision provisions

of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary

Under Various Statutes (7 C.F.R. § 1.138) (Rules of Practice).

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; waives all rights to seek

judicial review and otherwise challenge or contest the validity of this decision, including waiving

challenges to the Administrative Law Judge's authority to enter this Decision and Order under

the Administrative Procedure Act and the Constitution of the United States, and waives any

action against the United States Department of Agriculture under the Equal Access to Justice Act

of 1980 (5 U.S.C. § 504 *et seq*.) for fees and other expenses incurred by Respondent in connection with this proceeding or any action against any USDA employee in their individual capacity. The parties consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this Decision.

Findings of Fact

(1) Respondent is an individual and a business "dba" whose principal place of business and mailing address is or was 45240 County Highway 80 East, Perham, Minnesota 56573.

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

(a) Engaged in the business of a dealer, as that term is defined and used in the Act and the regulations promulgated thereunder.

(b) Registered with the Secretary of Agriculture as a dealer, as that term is defined and used in the Act and the regulations promulgated thereunder.
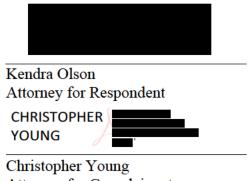
Conclusions

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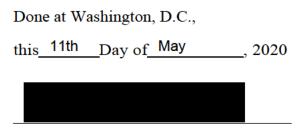
Order

Respondent, his and its agents and employees, successors and assigns, directly or through any device, in connection with Respondent's activities subject to the Packers and Stockyards Act, shall cease and desist from purchasing livestock in commerce and failing to pay or failing to pay when due, the full purchase price of such livestock as prescribed by sections 312(a) and 409 of the Packers and Stockyards Act (7 U.S.C. §§ 213(a) and 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

Pursuant to section 312(b) of the Packers and Stockyards Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty of $5,000.00, which Respondent shall pay immediately upon execution of this Consent Decision. The civil penalty shall be paid by certified check or money order made payable to the Treasurer of the United States and sent, along with a copy of the fully executed Consent Decision and Order, to **USDA-AMS-FTPP-PSD, PO Box 979064, St. Louis, Missouri 63197-9000.**

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 on the sixth (6th) day after service of this Consent Decision and Order on Respondent.

_____
Kendra Olson
Attorney for Respondent

CHRISTOPHER
YOUNG
_____
Christopher Young
Attorney for Complainant

Done at Washington, D.C.,

this__11th___Day of__May_____, 2020

_____

Chief Administrative Law Judge

Channing D. Strother