

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P&S Docket No. 19-J-0105
)	
Jonathan Allen Sivertson)	
d/b/a Sivertson Farms,)	
)	
Respondent.)	Consent Decision

This proceeding was instituted under the Packers and Stockyards Act of 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (“Act”), by a complaint filed by the Deputy Administrator of the Fair Trade Practices Program, Agricultural Marketing Service, United States Department of Agriculture, alleging that Jonathan Allen Sivertson, d/b/a Sivertson Farms, willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) (“Regulations”). 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).

Jonathan Allen Sivertson, d/b/a Sivertson Farms 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. Jonathan Allen Sivertson, d/b/a Sivertson Farms (“Respondent”) is an individual whose business mailing address at all times relevant to the actions giving rise to the complaint was (b) (6).

2. At all times material to the complaint, Respondent was:

- (a) Engaged in the business of a dealer, buying and selling livestock in commerce for his own account;
- (b) Engaged in the business of a market agency buying livestock on a commission basis;
- (c) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy livestock on a commission basis; and
- (d) Operating subject to the Act within the jurisdiction of the Secretary of Agriculture.

Conclusion

The 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 Jonathan Allen Sivertson, d/b/a Sivertson Farms, his agents and employes, directly or through any corporate or other device, in connection with this operation subject to the Act, shall cease and desist from:

- 1. Issuing checks in purported payment of livestock purchases without having and maintaining sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented;

2. Failing to pay, when due, the full purchase price of livestock; and
3. Failing to pay the full purchase price for livestock purchases.

Respondent's registration is suspended for a period of five (5) years. Provided, however, that at any time after the expiration of the initial 30 days of this period of the suspension, upon application to the Packers and Stockyards Division of the Fair Trade Practices Program, a supplemental order may be issued terminating the registration suspension and permitting Respondent to operate subject to the Act, if Respondent provides adequate bond, and demonstrates to the satisfaction of the Packers and Stockyards Division that livestock sellers Neil and Bill Espeseth have been paid in full.

Proof of restitution payments shall be sent to Stuart Frank, Director, Packers and Stockyards Division, Fair Trade Practices Program at the following address: 1400 Independence Ave. SW., Room 2507 South Building, Washington, DC 20250-3601. Such proof may include, but is not limited to, the following: (1) a statement from the bank holding an account created by Respondent to pay Neil and Bill Espeseth; or (2) an affidavit or declaration from Respondent or an administrator tasked with managing payments to Neil Espeseth and Bill Espeseth. Any such statement, affidavit or declaration should indicate the payment type, check numbers (if paid by check), the payment amounts, and the dates that each payment was made.

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

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

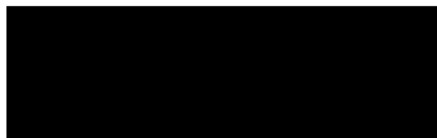
Done at Washington, D.C.

this 2nd day of October, 2019



Chief Administrative Law Judge

Channing D. Strother



Jonathan Allen Sivertson
d/b/a Sivertson Farms
Respondent

BRIAN HILL 

Brian T. Hill
Attorney for Complainant