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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	P&S Docket No. D-15-0024
	)	
Russell Ortmeier d/b/a Austen Farms,	)	
	)	
Respondent	)	Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §§ 181 et seq.), by a complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that respondent Russell Ortmeier d/b/a Austen Farms (hereinafter, respondent) willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. §§ 201.1 et seq.). This decision is entered pursuant to the consent decision provision of the rules of practice 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.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Russell Ortmeier d/b/a Austen Farms is an individual with a business mailing address of 6311 N. 104th Street, Omaha, Nebraska 68134.
2. Respondent was, at all times material herein:

- (1) Engaged in the business of a dealer buying and selling livestock in commerce;
- (2) A dealer within the meaning of and subject to the provisions of the Act; and
- (3) Not registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

Conclusions

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondent Russell Ortmeier d/b/a Austen Farms, his agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from engaging in business in any capacity for which registration and bonding are required under the Packers and Stockyards Act and the regulations promulgated thereunder without first becoming properly registered under the Act as required by section 201.10(a) of the regulations (9 C.F.R. § 201.10(a)), and without filing and maintaining an adequate bond or its equivalent as required by the Act and by sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29 and 201.30).

Respondent shall cease and desist from failing to pay livestock dealers or their duly authorized representatives the full amount of the purchase price for livestock before the close of the next business day following each purchase of livestock, as required by sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b).

Respondent shall cease and desist from failing to maintain sufficient funds on deposit and available in the account upon which payment checks are drawn to pay such checks when presented, as required section 312(a) of the Act (7 U.S.C. §§ 213(a)).

Pursuant to 7 U.S.C. § 204, respondent, operating individually or through any corporate or other device, is prohibited from registering under the Act for a period of five (5) years.

The provisions of this order shall become effective on the sixth day after service of this consent decision and order on respondent.

Copies of this decision shall be served upon the parties.

[REDACTED]

Russell Ortmeier d/b/a Austen Farms
Respondent

[REDACTED]

Jonathan J. Papik
Attorney for Respondent

[REDACTED]

Thomas N. Bolick
Attorney for Complainant

Done at Washington, D.C.

this 8 day of July, 2015

[REDACTED]

Administrative Law Judge

Jill S. Clifton