

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 12-0206

In re: Golden West Cattle Co., LLC

and

Michael Kastner,

Respondents

Default Decision and Order

Preliminary Statement

This disciplinary proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), (the Act), by a Complaint and Notice of Hearing filed on January 26, 2012, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Respondents Golden West Cattle Co., LLC, and Michael Kastner had willfully violated the Act.

After an initial unsuccessful attempt to serve the Respondents, they were served with copies of the Complaint and the Rules of Practice on March 30, 2012. By letter dated May 16, 2012, Respondents were advised that a timely Answer had not been received and they would be advised of further proceedings.

As Respondents failed to file an answer, the following Findings of Fact, Conclusions of Law and Order will be entered pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Respondent Golden West Cattle Co., LLC, is a Colorado Corporation, actively registered to do business within the State of New Jersey with a mailing address in Teaneck, New Jersey.
2. Respondent Golden West Cattle Co., LLC, was, at all times material herein:
 - (a) Engaged in the business of buying livestock in commerce for the purpose of slaughter; and
 - (b) A packer within the meaning of and subject to the provisions of the Act.
3. Respondent Michael Kastner is an individual whose home address is in the State of New Jersey.
4. Respondent Michael Kastner was, at all times material herein:
 - (a) One hundred percent owner of Respondent Golden West Cattle Co., LLC;
 - (b) President of Respondent Golden West Cattle Co., LLC;
 - (c) Responsible for the direction, management, and control of Respondent Golden West Cattle Co., LLC; and
 - (d) A packer within the meaning of, and subject to the provisions of, the Act.
5. Respondent Golden West, under the direction, management, and control of Respondent Kastner, in connection with its operations subject to the Act, on or about the dates and in the transactions listed below, issued checks in payment for livestock purchases, which checks were returned unpaid by the bank upon which they were drawn because Respondent Golden West did not have and maintain sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented.

Purchase Date	Seller's Name	No. of Head	Livestock Amount	Due Date	Check Date	Check No.	Check Amount
6/28/2010	Greg Kroupa	48	\$14,673.00	6/29/2010	7/9/2010	2114	\$14,673.00

6. Respondent Golden West, under the direction, management, and control of Respondent Kastner, in connection with its operations subject to the Act, in the transactions listed below, purchased livestock and failed to pay the full amount of the purchase price for such livestock within the time period required by the Act.

Seller's Name	Purchase Date	No. of Head	Livestock Amount	Due Date	Payment Instrument No.	Date Paid	Days Late
Jim Bamford	6/21/2010	40	\$16,562.75	6/22/2010	1105	08/24/10	63
Greg Kroupa	6/28/2010	48	\$14,673.00	6/29/2010	2114	08/23/10	55

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Respondents willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a), 228b).

Order

1. Respondent Golden West Cattle Co., LLC, and Respondent Michael Kastner, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from:

- a. Issuing checks in payment for livestock without having and maintaining sufficient funds on deposit and available in the bank account upon which they are drawn to pay the checks when presented; and
- b. Failing to pay, when due, the full purchase of livestock.

2. Respondent Golden West Cattle Co., LLC, and Respondent Michael Kastner are assessed, jointly and severally, a civil penalty of ten thousand five hundred dollars (\$10,500.00), which shall be paid by a certified check or money order made payable to the Treasurer of the United States and shall be sent to:

USDA—GIPSA
P.O. Box 790335
St. Louis, MO 63197-9000

The certified check or money order shall include the docket number of this proceeding.

3. This decision shall become final and effective without further proceedings 35 days after the date of service upon the Respondents, unless it is appealed to the Judicial Officer by a party to the proceeding within 30 days pursuant to Section 1.145 of the Rules of Practice (7 C.F.R § 1.145).

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

September 25, 2012

Peter M. Davenport
Chief Administrative Law Judge