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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
Petaluma Livestock Auction Yard, Inc. ,	)	P & S Docket No: 13-0302
	)	
and	)	
	)	
Manuel A. Brazil,	)	P & S Docket No: 13-0303
	)	
Respondents	)	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 the respondents willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). The complaint was amended on May 13, 2014. 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).

Respondents Petaluma Livestock Auction Yard, Inc. and Manuel A. Brazil admit the jurisdictional allegations in paragraph I of the Amended Complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, 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

(a) Respondent Petaluma Livestock Auction Yard, Inc. is a corporation organized under the laws of the State of California, which has a business operating address of 84 Corona Road, Petaluma, CA, 94975 and a mailing address of P.O. Box 750115, Petaluma, CA, 94975.

(b) Respondent Manuel A. Brazil is an individual whose business mailing address is P.O. Box 750115, Petaluma, CA, 94975.

(c) Respondent Petaluma Livestock Auction Yard, Inc. under the direction, management, and control of respondent Manuel A. Brazil, at all times material herein was:

(1) Engaged in the business of conducting and operating Petaluma Livestock Auction Yard Inc., a stockyard posted under and subject to the provisions of the Act;

(2) Engaged in the business of a market agency selling livestock on a commission basis in commerce and as a dealer to buy and sell livestock in commerce;

(3) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis in commerce and as a dealer to buy and sell livestock in commerce;

(d) Respondent Manuel A. Brazil at all times material herein was:

(1) President of respondent Petaluma Livestock Auction Yard, Inc.;

(2) Owner of 100% of the stock issued by respondent Petaluma Livestock Auction Yard, Inc.; and

(3) Responsible for the direction, management and control of respondent Petaluma Livestock Auction Yard, Inc.

Conclusions

Respondents having admitted the jurisdictional facts, and Complainant and Respondents having agreed to the entry of this decision, such decision will be entered.

Order

Respondents Petaluma Livestock Auction Yard, Inc. and Manuel A. Brazil, their officers, directors and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and desist from:

(1) Failing to maintain their "Custodial Account for Shippers' Proceeds" in conformity with the provisions of section 201.42 of the regulations (9 C.F.R. § 201.42); and

(2) Failing to deposit in their "Custodial Account for Shippers' Proceeds" within the times prescribed by section 201.42 of the regulations (9 C.F.R § 201.42), amounts equal to the outstanding proceeds receivable from the sale of consigned livestock.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents Petaluma Livestock Auction Yard, Inc. and Manuel A. Brazil are assessed, jointly and severally, a civil penalty in the amount of ten thousand dollars ($10,000.00).

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 on the sixta

day after service of this Consent decision and Order on respondents.

Copies of this decision shall be served upon the parties.

[redacted] PRESIDENT

Petaluma Livestock Auction Yard, Inc.
By: Manuel A. Brazil, President and Owner
Respondent

[redacted]

Manuel A. Brazil
Respondent

[redacted]

Gerard Effink
Attorney for Respondents

[redacted]

Darlene M. Bolinger
Attorney for Complainant

Issued this the _____ day of _____, 2014
at Washington, D.C.

JILL S. CLIFTON
Administrative Law Judge

hearing. The provisions of this Order shall become final and effective on the sixth day after service of this Consent decision and Order on respondents.

Copies of this decision shall be served upon the parties.

[redacted] PRESIDENT

Petaluma Livestock Auction Yard, Inc.
By: Manuel A. Brazil, President and Owner
Respondent

[redacted]

Manuel A. Brazil
Respondent

[redacted]

Gerard Eftink
Attorney for Respondents

[redacted]

Darlene M. Bolinger
Attorney for Complainant

Issued this the 5th day of June, 2014
at Washington, D.C.

[redacted]

JILL S. CLIFTON
Administrative Law Judge