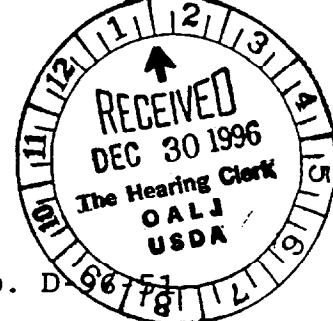


197
UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P. & S. Docket No. D-6678
)
NFO, Inc., John)
Petersen and Donald Ter)
Beest,) Decision as to Respondents
) NFO, Inc. and John
Respondents) Petersen

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 Programs, Grain Inspection and Packers and Stockyards Administration, United States Department of Agriculture, alleging that the respondents wilfully violated the Act. This decision is entered solely with respect to respondents NFO, Inc. and John Petersen, pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents NFO, Inc. and John Petersen admit the jurisdictional allegations in paragraph I of the 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

1. NFO, Inc. is a corporation whose business mailing address is 2505 Elwood Drive, Ames, Iowa 50010-2000.
2. NFO, Inc. is, and at all times material herein was:

- (a) Engaged in the business of a dealer selling livestock in commerce as the agent of the vendor; and
- (b) Registered with the Secretary of Agriculture as a dealer to sell livestock in commerce as the agent of the vendor.

3. John Petersen is an individual whose business mailing address is 113 N. Hokah Street, Caledonia, Minnesota 55921.

4. John Petersen was at all times material herein:

- (a) The collection point manager of the operations of NFO, Inc. at its facility in Caledonia, Minnesota; and
- (b) Responsible for carrying out all business activities on behalf of NFO, Inc. at its facility in Caledonia, Minnesota.

Conclusions

As respondents NFO, Inc. and John Petersen have admitted the jurisdictional facts and they and complainant have agreed to the entry of this decision, such decision will be entered.

Order

Respondent NFO, Inc., its officers, directors, agents, employees, successors and assigns, and respondent John Petersen, individually or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from:

- (a) Knowingly reporting inaccurate live or hot carcass weights and/or live or carcass prices obtained from the packers;
- (b) Knowingly accounting to and paying livestock sellers on the basis of false weights; and

(c) Making and keeping records which do not fully disclose livestock transactions.

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), respondent NFO, Inc. is assessed a civil penalty in the amount of Twenty Thousand Dollars (\$20,000.00).

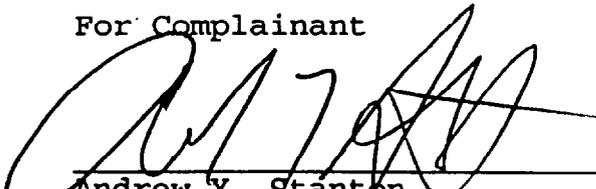
Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), respondent John Petersen is assessed a civil penalty in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00).

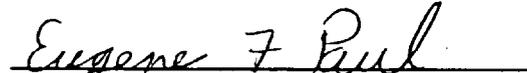
The provisions of this order shall become effective on the sixth day after service of this order on the respondents.

Copies of this decision shall be served upon the parties.

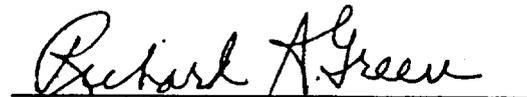
For Complainant

For Respondents


 Andrew Y. Stanton
 Attorney for Complainant


 Eugene F. Paul
 For NFO, Inc.


 John Petersen

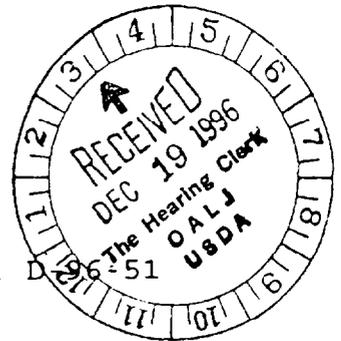

 Richard A. Green, Esq.
 Attorney for NFO, Inc.
 and John Petersen

Issued this 30th day of
December, 1996.


 Administrative Law Judge

PEB

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)	P. & S. Docket No. D-96-51
National Farmers)	
Organization, Inc., John)	
Peterson and Donald Ter)	
Beest,)	
Respondents)	Decision as to Respondent Donald Ter Beest

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 Programs, Grain Inspection and Packers and Stockyards Administration, United States Department of Agriculture, alleging that the respondents wilfully violated the Act. This decision is entered solely with respect to respondent Donald Ter Beest, pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent Donald Ter Beest 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 Donald Ter Beest is an individual whose address is W11428 Catherine Court, Waupun, Wisconsin 53963.
2. Respondent Donald Ter Beest was at all times material herein:

(a) The collection point manager of the operations of National Farmers Organization, Inc. at its facility in Brandon, Wisconsin;

(b) Responsible for carrying out all business activities on behalf of National Farmers Organization, Inc. at its facility in Brandon, Wisconsin; and

(c) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock for his own account or the account of others.

Conclusions

Because respondent Donald Ter Beest has admitted the jurisdictional facts and he and complainant have agreed to the entry of this decision, such decision will be entered.

Order

Respondent Donald Ter Beest, his officers, directors, agents, employees, successors and assigns, individually or through any corporate or other device, in connection with his operations subject to the Act, shall cease and desist from:

(a) Arbitrarily and fraudulently reporting inaccurate live or hot carcass weights and/or live or carcass prices in livestock transactions;

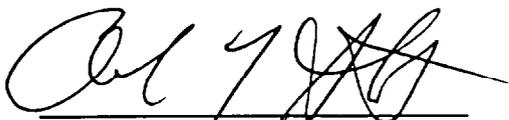
(b) Falsely accounting to and paying livestock sellers on the basis of false weights; and

(c) Making and keeping records which do not fully disclose livestock transactions.

Respondent Donald Ter Beest is suspended as a registrant under the Act for a period of 180 days.

The provisions of this order shall become effective on the sixth day after service of this order on respondent Donald Ter Beest.

Copies of this decision shall be served upon the parties.



Andrew Y. Stanton
Attorney for Complainant



Donald Ter Beest
Respondent



Michael E. Sias, Esq.
Attorney for Respondent

Issued this 19th day of
December, 1996.



Administrative Law Judge