

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D-07-0203
)
Ewald Friedrich, Jr.)
)
Respondent) Decision Without Hearing
) By Reason of Consent

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, United States Department of Agriculture, alleging that the Respondent willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (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. Ewald Friedrich, Jr., hereinafter referred to as the Respondent, is an individual
EFD 1671 FM 2144
whose business address is ~~1255 CR-242~~, Weimar, Texas 78962.

2. Respondent, at all times material herein, was:

- (a) Engaged in the business of a dealer buying and selling livestock in commerce for its own account and for the account of others;
- (b) Engaged in the business of a market agency buying livestock in commerce on a commission basis;
- (c) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

Conclusions

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

Order

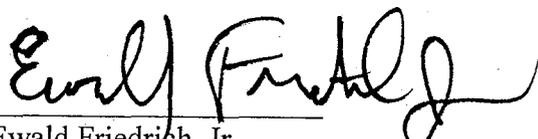
Respondent Ewald Friedrich, Jr., his agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent Ewald Friedrich, Jr., is assessed a civil penalty in the amount of Two Thousand and Five Hundred Dollars (\$2,500.00).

Respondent Ewald Friedrich, Jr., in connection with his operations as a dealer buying and selling livestock in commerce for its own account and for the account of others, shall keep and maintain such accounts, records, and memoranda as fully and correctly disclose his transactions subject to the Act and the regulations, including a check register, inventory records, journals, and load make up sheets.

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

Copies of this decision shall be served upon the parties.


Ewald Friedrich, Jr.


Charles L. Kendall
Attorney for Complainant

Issued this 9th day of November 2007


Administrative Law Judge

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D-07- 0203
))
 Ewald Friedrich, Jr.))
))
 Respondent) Complaint

There is reason to believe that the Respondent named herein has willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*)(the Act), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*)(the regulations), and, therefore, this Complaint is issued alleging the following:

I

- (a) Ewald Friedrich, Jr., hereinafter referred to as the Respondent, is an individual whose business address is 1255 CR 242, Weimar, Texas 78962.
- (b) Respondent, at all times material herein, was:
 - (1) Engaged in the business of a dealer buying and selling livestock in commerce for its own account and for the account of others;
 - (2) Engaged in the business of a market agency buying livestock in commerce on a commission basis;
 - (3) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

II

Respondent, on or about the dates and in the transactions set forth below, purchased livestock and failed to pay when due for such livestock purchases:

Purchase Date	Seller	No. of Head	Amount Due for Livestock	Payment Due Date	Payment Date	Days Late
07/29/04	Karnes Cty. Lvstk. Exchange	41	\$23,201.85	07/30/04	08/02/04	3
08/05/04	Karnes Cty. Lvstk. Exchange	18	\$8,540.73	08/06/04	08/09/04	3
08/09/04	Live Oak Lvstk. Exchange	45	\$20,545.89	08/10/04	08/16/04	6
08/16/04	Live Oak Lvstk. Exchange	48	\$23,577.17	08/17/04	08/23/04	6
08/23/04	Live Oak Lvstk. Exchange	40	\$19,784.12	08/24/04	08/30/04	6
08/30/04	Live Oak Lvstk. Exchange	39	\$17,880.97	08/31/04	09/06/04	6
09/06/04	Live Oak Lvstk. Exchange	29	\$13,410.90	09/07/04	09/13/04	6
07/31/04	Schulenburg Lvstk. Auction	38	\$19,172.53	08/02/04	08/04/04	2
08/14/04	Schulenburg Lvstk. Auction	44	\$22,135.29	08/16/04	08/18/04	2
08/21/04	Schulenburg Lvstk. Auction	22	\$11,311.80	08/23/04	08/25/04	2
08/11/04	Sealy Livestock. Auction	2	\$930.70	08/12/04	08/18/04	6
08/18/04	Sealy Livestock. Auction	7	\$2,546.95	08/19/04	08/25/04	6
Total		373	\$183,038.90			

III

Respondent, in connection with his operations subject to the Act, failed to keep accounts, records and memoranda which fully and correctly disclosed all the transactions involved in his business as a livestock dealer in violation of Section 401 of the Act (7 U.S.C. § 221).

Specifically, Respondent failed to keep a check register, inventory records, journals, and load make up sheets.

IV

By reason of the facts alleged in paragraph II herein, Respondent willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§213(a), 228b) and section 201.43 of the regulations (9 C.F.R. §201.43).

By reason of the facts alleged in paragraph III herein, Respondent willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)) by failing to keep accounts, records, and memoranda as required by section 401 of the Act (7 U.S.C. § 221).

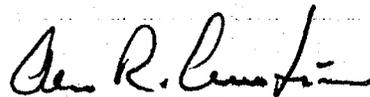
WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has in fact wilfully violated the Act and the regulations thereunder, this complaint will be served upon Respondent. Respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 *et seq.*). Failure to file an answer will constitute an admission of all the material allegations of this complaint.

Packers and Stockyards Program, GIPSA, requests:

1. That unless Respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice governing proceedings under the Act; and
2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations found to exist, suspending Respondent as a registrant under the Act, and assessing such civil penalties as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 21 day of September 2007



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program



Charles L. Kendall
Attorney for Complainant
Telephone: (202) 720-9405