

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: )  
) P&S Docket Nos. 13-0244 and 13-0245  
)  
) Jason T. Glenn and Dustin Burkhart )  
) d/b/a B&G Cattle, )  
)  
) 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 respondents Jason T. Glenn and Dustin Burkhart d/b/a B&G Cattle (hereinafter, respondents)<sup>1</sup> 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).

The respondents 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

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<sup>1</sup> The complaint that initiated this proceeding named Amy Burkhart d/b/a B&G Cattle as a respondent, P&S Docket No. 13-0246. Complainant is filing a motion to dismiss the complaint as to respondent Amy Burkhart and to recaption this case as Jason T. Glenn and Dustin Burkhart d/b/a B&G Cattle, P&S Docket Nos. 13-0244 and 13-0245, simultaneously with the filing of this consent decision and order.

1. Respondents Jason T. Glenn and Dustin Burkhart are partners who conduct business as B & G Cattle, an unregistered partnership, with their principal place of business located at 5355 Whispering Oak Way, Paso Robles, CA 93446.

2. Respondents Jason T. Glenn and Dustin Burkhart, in their capacity as partners conducting business as B & G Cattle, an unregistered partnership, are, and at all times material herein were:

(a) Engaged in the business of a dealer buying and selling livestock in commerce; and

(b) Dealers within the meaning of and subject to the provisions of the Act.

3. Respondent Jason T. Glenn, in his capacity as an individual conducting business as Western Feeders, maintains his principal place of business at 5355 Whispering Oak Way, Paso Robles, CA, 93446. Respondent Jason T. Glenn, in his capacity as an individual conducting business as Western Feeders, at all times material herein was:

(a) Engaged in the business of a dealer buying and selling livestock in commerce;

(b) Engaged in the business of a market agency buying and selling livestock in commerce on a commission basis;

(c) A dealer within the meaning of and subject to the provisions of the Act;

(d) A market agency within the meaning of and subject to the provisions of the Act; and

(e) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy livestock in commerce

on a commission basis.

4. Respondent Dustin Burkhart, in his capacity as an individual conducting business as Burkhart Livestock, maintains his principal place of business at 20601 Jury Road, Tehachapi, CA, 93561. Respondent Dustin Burkhart, in his capacity as an individual conducting business as Burkhart Livestock, at all times material herein was:

- (a) Engaged in the business of a market agency buying and selling livestock in commerce on a commission basis;
- (b) A market agency within the meaning of and subject to the provisions of the Act; and
- (c) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy livestock in commerce on a commission basis.

#### Conclusions

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

#### Order

1. Respondents Jason T. Glenn and Dustin Burkhart d/b/a B&G Cattle, their agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from:

- (a) Failing to pay and failing to pay, when due, the full purchase price of livestock as required by section 409 of the Act (7 U.S.C. § 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43);

(b) Buying and selling livestock in commerce without being properly registered with GIPSA; and

(c) Buying and selling livestock in commerce without maintaining an adequate bond or bond equivalent.

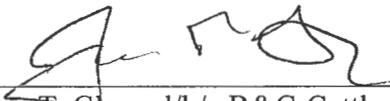
2. Respondents shall maintain accounts, records and memoranda as fully and correctly disclose all transactions involved in their business, as required by section 401 of the Act (7 U.S.C. § 221), including, but not limited to, copies of checks and other documentation indicating the correct date when payment for livestock purchases is issued.

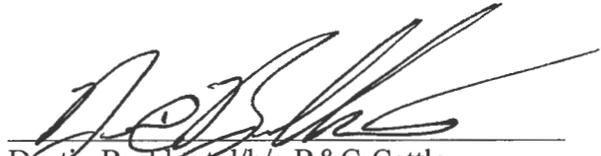
3. In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondents are hereby assessed a civil penalty in the amount of fifteen thousand dollars (\$15,000.00). Respondents shall send a certified check or money order for fifteen thousand dollars (\$15,000.00), payable to the Treasurer of the United States, to the U.S. Department of Agriculture, Room 2319 South Building, 14<sup>th</sup> and Independence Avenue, S.W., Washington, D.C. 20250-1400, along with this signed consent decision and order. The certified check or money order should include the docket number of this proceeding, P&S Docket No. 13-0244 and 13-0245.

4. This consent decision and order shall be in settlement of all violations of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et. seq.*)(Act) and the regulations promulgated thereunder (9 C.F.R. § 201.1-201.200) involving operating as a dealer or market agency under the Act without being registered or bonded that the Administrator, Packers and Stockyards Program, may allege that respondents have committed up to and including the effective date of this order.

5. The provisions of this order shall become 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.

  
\_\_\_\_\_  
Jason T. Glenn d/b/a B&G Cattle  
Respondent

  
\_\_\_\_\_  
Dustin Burkhardt d/b/a B&G Cattle  
Respondent

  
\_\_\_\_\_  
John E.D. Nicholson, Esq.  
Counsel for Respondents

  
\_\_\_\_\_  
Thomas N. Bolick, Esq.  
Counsel for Complainant

Done at Washington, D.C.

this 29<sup>th</sup> day of January, 2014

  
\_\_\_\_\_  
Administrative Law Judge  
JANICE K. BULLARD

13-0244 & 13-0245

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