

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) A.Q. Docket No.: 10-0084
Berdell Olsen d/b/a Olsen Livestock,)
Respondent.) Consent Decision

This proceeding was instituted under the Commercial Transportation of Equines for Slaughter Act (7 U.S.C. § 1901 note) (the Act) by a complaint filed by the Acting Administrator of the Animal and Plant Health Inspection Service alleging that respondent Berdell Olsen d/b/a Olsen Livestock (hereinafter, respondent Olsen) violated the Act and regulations promulgated thereunder (9 C.F.R. §§ 88 et seq.). The complainant and respondent Olsen have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes of this Consent Decision only, respondent Olsen specifically admits that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admits nor denies the remaining allegations in the complaint, and admits to the Findings of Fact set forth below.

Respondent Olsen waives:

- (a) Any further procedure;
- (b) Any requirement that the final decision in this proceeding contain findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof;
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision; and
- (d) Any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by the respondents in connection with this proceeding.

Findings of Fact

1. Respondent Olsen sells slaughter horses to BelTex Corporation in Fort Worth, Texas, and has a mailing address of 8577 S. State Road, Spanish Fork, Utah 84660.
2. On or about April 5, 2005, 44 horses were commercially transported for slaughter.
3. On or about June 7, 2005, 42 horses were commercially transported for slaughter.


Conclusions

Respondent Olsen has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

Order

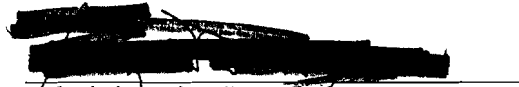
Respondent Berdell Olsen d/b/a Olsen Livestock is assessed a civil penalty of one thousand two hundred fifty dollars (\$1,250.00). Respondent Berdell Olsen d/b/a Olsen Livestock shall send a certified check or money order for one thousand two hundred fifty dollars (\$1,250.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, P.O. Box 979043, St. Louis, Missouri 63197-9000, within thirty (30) days from the effective date of this Order. The certified check or money order should include the docket number of this proceeding.

This Order shall become effective when served on respondent.


 BERDELL OLSEN
 d/b/a OLSEN LIVESTOCK,
 Respondent


 THOMAS NEIL BOLICK
 Attorney for Complainant

Issued this 3rd day of May, 2010
at Washington, D.C.


 Administrative Law Judge