UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re: Beltex Corporation d/b/a Frontier Meats a/k/a Frontier Packing Company, and Eric Nauwelaers, Respondents.	P&S-D Docket No. 23-J-0051 P&S-D Docket No. 23-J-0052

REC'D - USDA/OALJ/HCO
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CONSENT DECISION AND ORDER

This proceeding was instituted under the Packers and Stockyards Act of 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"), by a Complaint filed by the Deputy Administrator of the Fair Trade Practices Program of the Agricultural Marketing Service, United States Department of Agriculture ("Complainant"), alleging that Beltex Corporation, doing business as Frontier Meats, also known as Frontier Packing Company ("Beltex"), and Eric Nauwelaers ("Nauwelaers") (jointly referred to as "Respondents") willfully violated the Act and Regulations. This Consent Decision and Order ("Consent 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 admit the jurisdictional allegations specified 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, waive all rights to seek judicial review in any court of competent jurisdiction and otherwise challenge or contest the validity of this Consent Decision, including waiving challenges to the Administrative Law Judge's authority to enter this Consent Decision under the Administrative Procedure Act and the

Constitution of the United States, and waive 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 Respondents in connection with this proceeding or any action against any USDA employee in their individual capacity.

The parties have agreed to the entry of this Consent Decision as set forth herein. Therefore, this Consent Decision is entered without further procedure or hearing pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.) (Rules of Practice) applicable to this proceeding (7 C.F.R. § 1.138).

Findings of Fact

1. Beltex, at all times material herein, was a corporation organized and existing under the laws of the State of Texas.

2. Beltex, under the direction, management, and control of Nauwelaers, at all times material herein was:

   (a) Engaged in the business of buying livestock in commerce for the purposes of slaughter; and

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

3. Nauwelaers is an individual who, at all times relevant to the complaint, had a mailing address in the state of Texas. The precise address will not be stated in this Consent Decision to protect the Respondent's privacy.

4. Nauwelaers at all times material herein was:

   (a) Engaged in the business of buying livestock in commerce for the purpose of slaughter;

(b) A packer within the meaning of, and subject to the provisions of, the Act;

(c) Owner, Director, and President of Beltex; and

(d) Responsible for the direction, management and control of Beltex.

Conclusions of Law

Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this Consent Decision, the Consent Decision will be entered.

Order

1. Respondents, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from:

(a) Failing to pay the purchase price of livestock when due within the time period required by the Act;

(b) Failing to pay the full purchase price of livestock; and

(c) Issuing checks in payment for livestock that are drawn from accounts that do not have and maintain sufficient funds on deposit to pay such checks when presented.

2. Respondents jointly and severally agree to a civil penalty of $125,000.00, of which $10,000.00 is immediately due and payable. The remaining $115,000.00 will be held in abeyance, only becoming due and payable at such time as the Respondents, individually or jointly, directly or indirectly, through any instrumentality, engage in the business of buying livestock in commerce for purposes of slaughter.

This Order shall have the same force and effect as if entered after a full hearing. The provisions of this Order shall become effective on the day after service of this Order on Respondents.

Copies of this Consent Decision and Order shall be served upon the parties.

[redacted]
ERIC NAUWELAERS (individually)
Respondent

[redacted]
ERIC NAUWELAERS (on behalf of
Beltex Corporation, as President,
Director, and Owner)

[redacted]
JOHN MASSOUH
Attorney for Respondent

Brian Hill
Digitally signed by Brian Hill
Date: 2024.08.07 11:14:44 -04'00'

BRIAN HILL
Attorney for Complaint

Issued in Washington D.C.

this 7th day of August, 2024

Tierney Carlos

Administrative Law Judge