RECD - USDA/OALJ/HCO
2026 APRIL 1 10:57 AM

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re: Calhan Auction Market, Inc. Respondent.	P&S Docket No. D-25-J-0076

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 on July 25, 2025 by the Acting Deputy Administrator of the Packers and Stockyards Division ("PSD"), Fair Trade Practices Program ("FTPP"), Agricultural Marketing Service ("AMS"), United States Department of Agriculture ("USDA") ("Complainant"). The Complaint alleges the Respondent named herein 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).

Respondent admits the jurisdictional allegations specified in paragraph I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter. Respondent neither admits nor denies the remaining allegations. Respondent waives any and all rights or defenses the Respondent has or might have for the matter to be adjudicated in a federal district court in the first instance, including any associated right to a jury trial, waives further procedure or oral hearing, waives 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 waives 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 Respondent in connection with this proceeding or any action against any USDA employee in their individual capacity.

Respondent consents and agrees, for the purpose of settling this matter, to the entry of this Consent Decision as set forth herein. Complainant agrees to the entry of this Consent Decision.

Findings of Fact

(a) Respondent Calhan Auction Market, Inc. ("Respondent Calhan") is a corporation organized under the laws of the State of Colorado with a mailing and physical address of 680 Yoder Street, Calhan, CO 80808.

(b) Respondent Calhan is, and at all times material herein was:

(1) Engaged in the business of, and operating as, market agency selling livestock in commerce on a commission basis; and

(2) Registered with the Secretary of Agriculture as a dealer and as a market agency buying and selling livestock on a commission basis in commerce.

Conclusions of Law

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

Order

(a) Respondent, its agents and employees, directly or through any corporate or other device, in connection with its operations subject to the Act, shall cease and desist from:

(1) Failing to deposit into its Custodial Account for Shippers' Proceeds an amount equal to the proceeds receivable from the sale of consigned livestock within the time prescribed by section 201.42 of the Regulations (9 C.F.R. § 201.42);

(2) Failing to otherwise use and maintain its Custodial Account for Shippers' Proceeds in strict conformance with the Act and section 201.42 of the Regulations (9 C.F.R. § 201.42); and

(3) Failing to keep and maintain records which fully and correctly disclose all the transactions involved in its business as a market agency as required by section 401 of the Act (7 U.S.C. § 221).

(b) Respondent is suspended as a registrant under the Act for a period of fourteen (14) consecutive days commencing on Monday, June 1, 2026. However, such suspension shall be held in abeyance if, by no later than May 8, 2026, Respondent demonstrates its Custodial Account for Shippers' Proceeds is in balance, in strict conformance with the Act and section 201.42 of the Regulations (9 C.F.R. § 201.42).

(1) Respondent shall demonstrate such conformance by filing a Special Report-PSD Form 7001 ("Special Report"), along with supporting documentation requested by PSD, with the PSD Enforcement Branch via electronic mail at PSDWashingtonDC@usda.gov; the filing must include a reference to P&S Docket No. D-25-J-0076. The financial information that Respondent relies on to complete the Special Report must be based on the preceding month's most

recently issued bank statement or other verifiable financial information.

(2) The fourteen (14) day suspension shall continue to abate so long as Respondent, for one (1) year after its May 8, 2026 Special Report submission, continues to demonstrate a balanced custodial account by filing a quarterly Special Report as described above in the preceding paragraph, along with supporting documentation requested by PSD, with PSD Enforcement Branch on the following dates: August 10, 2026, November 9, 2026, February 8, 2027, and May 7, 2027.

(3) If PSD determines that Respondent has failed to use and maintain its Custodial Account for Shippers' Proceeds in strict conformance with the Act and section 201.42 of the Regulations (9 C.F.R. § 201.42) or if Respondent fails to comply with any of the above detailed compliance submission requirements or deadlines, PSD may seek full and immediate enforcement of the fourteen (14) day suspension upon notification to the Respondent without any further action required by the agency.

(4) If Respondent demonstrates compliance as detailed above for the one (1) year period, the fourteen (14) day-suspension shall be permanently abated on May 17, 2027.

(c) Respondent is prohibited from engaging in any operation subject to the Act while Respondent's registration is suspended.

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 Respondent.

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

[redacted] 3-31-26

Respondent Date
(*On behalf of Calhan Auction Market, Inc.*)

SAMANTHA STAKNIS Digitally signed by SAMANTHA STAKNIS Date: 2026.04.01 08:09:42 -04'00'

Samantha M. Dorsey Staknis Date
Attorney for Complainant

Issued in Washington D.C.
this 1st day of April 2026

Tierney Carlos

Tierney Carlos
Administrative Law Judge