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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re: Jordan Leisgang, d/b/a Jordan Leisgang Livestock & Trucking, Respondent.	P&S Docket No. 25-J-0021

DECISION AND ORDER WITHOUT HEARING BY REASON OF DEFAULT

Appearance:

Michelle McMurtray, Esq., Office of the General Counsel, United States Department of Agriculture, Washington, DC, for the Complainant, Deputy Administrator, Packers and Stockyards Program, Agricultural Marketing Service ("AMS")

This is a proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181 *et seq.*) ("Act"); the regulations promulgated thereunder (9 C.F.R. §§ 201.1 *et seq.*) ("Regulations"); and the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130 through 1.151) ("Rules of Practice").

The Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service ("AMS"), United States Department of Agriculture ("Complainant"), initiated this proceeding by filing a complaint against Jordan Leisgang ("Respondent"), doing business as Jordan Leisgang Livestock & Trucking, on November 21, 2024. The Complaint alleged that Respondent willfully violated sections 312(a), 401, and 409(a) of the Act (7 U.S.C. §§ 213(a), 221, 228b) and section 201.43 of the Regulations (9 C.F.R. § 201.43) by failing to pay the full purchase price of livestock; by failing to pay, when due, the full purchase price of livestock; by issuing "insufficient funds checks" without sufficient money in his bank account to pay for such checks; and by failing to keep and maintain records that fully and correctly disclosed all the transactions

involved in Respondent's business as a market agency.[1] The Complaint requested:

1. That *unless Respondent fails to file an Answer in the time allowed*, or files an Answer admitting the material allegations of this Complaint, this proceeding be set for oral hearing in accordance with the rules of Practice; and

2. That such orders are issued as authorized by the Act and warranted under the circumstances, including an order:
   a. Requiring Respondent to cease and desist from violating the Act and the Regulations, as stated, *inter alia*, in the Complaint . . . ;
   b. Requiring that Respondent not engage in operations subject to the Act;
   c. Imposing a suspension as authorized by the Act and warranted by the facts and circumstances of this case; and
   d. Granting relief as may be appropriate and warranted under the Act and in the circumstances of this case.[2]

Respondent was duly served with a copy of the Complaint and did not file an answer within the twenty-day period as prescribed by section 1.136 of the Rules of Practice (7 C.F.R. § 1.136), nor has Respondent filed such an answer since that deadline.[3]

On May 1, 2025, I issued an order directing the parties to show cause ("Show Cause Order"), not later than twenty days after that date, why default should not be entered against Respondent.[4] To account for a delay in service, the response deadline was subsequently extended

[1] *See* Complaint at 5; Motion for Default at 1-2.

[2] Complaint at 5-6 (emphasis added).

[3] United States Postal Service records reflect the Complaint was sent to Respondent via certified mail and delivered on March 11, 2025. Respondent had twenty days from the date of service to file a response. 7 C.F.R. § 1.136(a). Weekends and federal holidays shall be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following workday. 7 C.F.R. § 1.147(h). In this case, an answer was due on or before March 21, 2025. Respondent has not filed an answer.

[4] The Show Cause Order also directed: "Unless the parties have agreed to a consent decision, Complainant's response shall be accompanied by: (1) a proposed decision and order and (2) a motion for adoption of that proposed decision and order in accordance with the provisions of 7 C.F.R. § 1.139." Show Cause Order at 2.

to June 17, 2025.[5]

On May 29, 2025, Complainant filed a motion for a decision without hearing by reason of default ("Motion for Default") and a proposed decision and order without hearing by reason of default ("Proposed Decision") pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139). Complainant requests an order (1) requiring Respondent to cease and desist from violating the Act and (2) suspending Respondent's registration under the Act for a period of five years or until all unpaid livestock sellers listed in the Complaint have been paid in full.[6]

Respondent did not respond to the Show Cause Order or Amended Show Cause Order and has not filed any objections to Complainant's Motion for Default or Proposed Decision.[7]

Failure to file a timely answer or failure to deny or otherwise respond to allegations in the Complaint shall be deemed, for purposes of this proceeding, an admission of the allegations in the Complaint, unless the parties have agreed to a consent decision.[8] Other than a consent decision, the Rules of Practice do not provide for exceptions to the regulatory consequences of failing to file an answer where, as in the present case, no meritorious objections have been filed.[9]

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[5] *See* Amended Order to Show Cause Why Default Should Not Be Entered ("Amended Show Cause Order") at 1 n.1.

[6] Motion for Default at 4.

[7] United States Postal Service records reflect that the Motion for Default and Proposed Decision were sent to Respondent via certified mail and delivered on September 2, 2025. Respondent had 20 days from the date of service to file objections thereto. 7 C.F.R. § 1.139. Weekends and federal holidays shall be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following workday. 7 C.F.R. § 1.147(h). In this case, Respondent's objections were due on or before September 22, 2025. Respondent has not filed any objections.

[8] 7 C.F.R. § 1.136(c).

[9] *See supra* note 7 and accompanying text.

Sanctions

As previously stated, Complainant seeks an order directing Respondent to cease and desist from violating the Act and suspending Respondent's registration under the Act for a period of five years, or until all unpaid livestock sellers listed in the Complaint have been paid in full.[10] The Act provides for these sanctions: 7 U.S.C. § 204 authorizes the Secretary to suspend registrants "for a reasonable specified period" if they are insolvent or have violated the Act,[11] and 7 U.S.C. § 213(b) authorizes the Secretary to issue orders requiring stockyard owners, market agencies, and dealers and to cease and desist from violating the Act.[12] Complainant contends that Respondent's violations justify both.[13]

With regard to sanction determinations, the Judicial Officer has explained:

> [T]he sanction in each case will be determined by examining the nature of the violations in relation to the remedial purposes of the regulatory statute involved, along with all relevant circumstances, always giving appropriate weight to the recommendation of the administrative officials charged with the responsibility for achieving the congressional purpose.[14]

The purpose of imposing sanctions "is to accomplish the remedial purposes of the Packers and Stockyards Act by deterring future violations of the Packers and Stockyards Act by the violator and others."[15]

Complainant submits that Respondents' failure to pay for livestock, failure to pay sellers

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[10] *See supra* note 6.

[11] 7 U.S.C. § 204.

[12] 7 U.S.C. § 213(b).

[13] Motion for Default at 3.

[14] *S.S. Farms Linn Cnty., Inc.*, 50 Agric. Dec. 476, 497 (U.S.D.A. Jud. Officer 1991) (Decision as to James Joseph Hickey & Shannon Hansen), *aff'd*, 991 F.2d 803 (9th Cir. 1993) (not to be cited as precedent under 9th Cir. R. 36-3).

[15] *Syverson*, 69 Agric. Dec. 1500, 1509 (U.S.D.A. Jud. Officer 2010) (Decision & Order on Remand), *aff'd sub nom. Syverson v. U.S. Dep't of Agric.*, 666 F.3d 1137 (8th Cir. 2012).

for livestock purchases when due, issuing checks with insufficient funds, and failure to maintain records that fully and correctly disclose all transactions involved in its business constitute serious violations of the Act and Regulations.[16] I agree, especially as Respondent "has yet to pay the amounts owed to various sellers."[17] I also find that Respondent's violations were grave. This is not the first time Respondent has committed violations of the Act and Regulations; according to Complainant, a "Notice Of Violation letter regarding like allegations [was] sent to Respondent on August 19, 2020."[18] As Complainant states, "the gravity of Respondent's repeated violations of the Act is significant in nature."[19] Having considered the nature of Respondent's violations and the remedial purposes of the Act, I find Complainant's sanction recommendations to be reasonable and appropriate under the facts and circumstances of this case.

As Respondent failed to file an answer to the Complaint, and upon Complainant's motion for the issuance of a decision without hearing, this Decision and Order is issued without further procedure or hearing pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Respondent Jordan Leisgang, d/b/a Jordan Leisgang Livestock & Trucking, is an individual with a business mailing address in the State of Wisconsin.
2. Respondent is, and at all times material herein, was:
    a. Engaged in the business of a dealer buying livestock in commerce and a market agency buying livestock on a commission basis; and

[16] Motion for Default at 5.

[17] *Id.*

[18] *Id.*

[19] *Id.*

b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock for his own account and as a market agency buying livestock on a commission basis.

3. On or about the dates and in the transactions set forth below, Respondent failed to pay the full purchase price of such livestock.

Purchase Date	**Livestock Seller**	**# Head**	**Invoice Amount**	**Date Payment Due**
03/05/2022	Clay Center Livestock, Inc.	515	$124,827.51	04/08/2022
12/14/2022	Colton Robert Kellman	182	$21,468.80	12/15/2022
12/19/2022	New Holland Sales, Inc.	116	$11,750.00	12/20/2022
12/21/2022	Mt. Hope Auction	7	$2,269.00	12/22/2022
TOTAL			$160,315.31	

4. As of the date the Complaint was filed, Respondent still had failed to pay $85,315.31 of the $160,315.31 in total livestock purchase referenced in Finding of Fact No. 3 above.

5. Between October 12, 2020, and March 5, 2022, in 11 transactions involving three livestock sellers, Respondent purchased a total of 826 head of livestock for a total purchase price of $191,695.33 but failed to pay, when due, the full purchase price of the livestock.

6. On or about the dates and in the transactions set forth below, Respondent issued checks in payment for livestock purchases that were returned unpaid by the bank upon which they were drawn because Respondent did not have and maintain sufficient funds on deposit and available in the accounts upon which such checks were drawn to pay such checks when presented.

Purchase Date	**Livestock Seller/Payee**	**# Head**	**Invoice Amount**	**Date Payment Due**	**Date Paid**	**Date Check Returned**
01/14/2022	Carlos Tennesen	16	$2,850.00	01/15/2022	01/15/2022	02/15/2022

01/29/2022*	Equity Cooperative Livestock Sales	131	$30,475.92	01/31/2022	01/29/2022	02/03/2022
TOTAL			$33,325.92[20]			

* The check issued had insufficient funds on 02/03/2022 and again on 02/08/2022. A cashier's check was issued for $5,000.00 on 02/10/2022.

Conclusions of Law

1. The Secretary of Agriculture has jurisdiction in this matter.

2. Respondent Jordan Leisgang, d/b/a Jordan Leisgang Livestock & Trucking, willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b) by failing to pay and failing to pay when due the full purchase price of livestock and by issuing insufficient funds checks in payment for livestock.

ORDER

1. Complainant's Motion for Default is GRANTED.

2. Respondent Jordan Leisgang, d/b/a Jordan Leisgang Livestock & Trucking, and Respondent's agents, employees, successors, and assigns, directly or indirectly through any corporate or other device, in connection with Respondent's activities subject to the Act, shall cease and desist from:

[20] The chart provided in Complainant's Proposed Decision lists the "Total" as $62,075.39. *See* Proposed Decision at 5. It is unclear how Complainant arrived at that figure; the Complaint alleged that Respondent's returned checks totaled $33,365.53. Complaint ¶ IV(b). Regardless, the total unpaid balance due to sellers is more than a *de minimis* amount, thereby obviating the need for a hearing in this matter to determine the exact amount. *See The Square Group, LLC*, 75 Agric. Dec. 689, 695 (U.S.D.A. Jud. Officer 2016); *Tri-State Fruit & Vegetable, Inc.*, 46 Agric. Dec. 81, 82-83 (U.S.D.A. Jud. Officer 1984) (Ruling on Certified Question); *see also Fava & Co.*, 46 Agric. Dec. 79, 81 (U.S.D.A. Jud. Officer 1984) (Ruling on Certified Question) (no hearing required unless "the amount presently due and unpaid would be *de minimis*, *e.g.*, less than $5,000").

a. Issuing checks in payment for the livestock purchases which checks are returned unpaid by the bank upon which they are drawn because Respondent does not have and maintain sufficient funds on deposit and available in the account upon which such check are drawn to pay such checks when presented;

b. Failing to pay, when due, the full purchase price of livestock; and

c. Failing to pay the full purchase price of livestock.

3. Respondent's registration under the Packers and Stockyards Act is suspended for a period of five (5) years, or until all unpaid livestock sellers listed in the Complaint have been paid in full, from the date of this Decision and Order. Such suspension shall end if Respondent submits proof to the Packers and Stockyards Division that the livestock sellers have been paid in full.

This Decision and Order shall be final and effective without further proceedings thirty-five (35) days after service, unless an appeal to the Judicial Officer is filed with the Hearing Clerk within thirty (30) days after service as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139 and 1.145).

Copies of this Decision and Order shall be served upon the parties and counsel by the Hearing Clerk.

Done at Washington, D.C.,
this 22nd day of January 2026,

Tierney Carlos

Tierney Carlos
Administrative Law Judge

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