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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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| In re: | |
| Ravenna Auction, L.L.C., and | P&S Docket No. 23-J-0073 |
| Laverne Lettinga, | P&S Docket No. 23-J-0074 |
| Respondents | **Consent Decision and Order** |

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act), by a Complaint filed by the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service (AMS), United States Department of Agriculture, alleging that the Respondents willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). This decision and order 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 in the complaint and specifically admit that the Secretary has jurisdiction in this matter, admit the remaining allegations as set forth herein as findings of fact and conclusions of law, waive oral hearing and further procedure, waive all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Decision and Order 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.

Respondents consent and agree, for the purpose of settling this proceeding, to the entry of this decision. Complainant agrees to the entry of this decision.

## FINDINGS OF FACT

1. Respondent Ravenna Auction, L.L.C. (Respondent Ravenna) is a limited liability company organized under Michigan law. Respondent Ravenna's business address is 3265 Slocum Road, Ravenna, Michigan 49451, and its mailing address is P.O. Box 608, Lake Odessa, Michigan 48849.

2. Respondent Ravenna is, and at all times material herein was:

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

b) Registered with the Secretary of Agriculture as a market agency to sell livestock in commerce on a commission basis.

3. Laverne Lettinga (Respondent Lettinga) is an individual whose current address is in the State of Michigan. Respondent Lettinga's address is not stated in this Consent to protect privacy, but has been provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purpose of service of filings in this matter.

4. Respondent Lettinga is, and at all times material herein was:

a) the 99.5 or 100 percent owner of Respondent Ravenna;

b) responsible for the management, direction, and control of Respondent Ravenna; and

c) a market agency withing the meaning of and subject to the provisions of the Act and regulations.

## CONCLUSIONS OF LAW

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

   a) Failing to maintain a custodial account for shippers' proceeds (custodial account) in accordance with the regulations attendant to the Act. 9 C.F.R. § 201.42(b);

   b) Failing to deposit into the custodial account an amount equal to the proceeds receivable from the sale of consigned livestock in accordance with and within the time limits prescribed by 9 C.F.R. § 201.42, and failing to make up any custodial shortfall and reimburse the custodial account for unpaid receivables;

   c) Failing to withdraw funds from its custodial account *only* for the following reasons: (a) to pay the net proceeds of a livestock sale to a consignor or shipper, (b) to pay lawful charges against the consignment of livestock, and (c) to obtain sums due the market agency as compensation for its services. 9 C.F.R. § 201.42(d).

2. Respondent Lettinga is suspended pursuant to 7 U.S.C. § 204 from any and all operations subject to the Act and regulations, for a period of 5 years, beginning upon execution of this Consent Decision.

3. Respondents shall, within 5 business days of the execution of this Consent Decision and Order, establish a new custodial account and from that date conduct all custodial account

transactions through the new account. Within 30 days from the date of this Consent Decision and Order, Respondents shall provide an accounting demonstrating that the old custodial account is in balance according with the Act or determine a shortfall amount to be funded within 30 days of the accounting.

4. In accordance with section 312 of the Act (7 U.S.C. § 213), Respondents are assessed a civil penalty in the amount of fifteen thousand dollars ($15,000.00). Complainant requests that Respondents shall send a certified check or money order with the docket numbers to satisfy the request civil penalty to US BANK, ATTN: GOVERNMENT LOCKBOX (790312), 3180 RIDER TRAILS, EARTH CITY, MO 63045-0312.

The provisions of this Order shall become effective upon issuance. Copies of this decision shall be served upon the parties.

[redacted]
Respondent Laverne Lettinga

[redacted]
Respondent Ravenna Auction, L.L.C.
By: Laverne Lettinga
Its: Manager

TODD LEWELLEN Digitally signed by TODD LEWELLEN
Date: 2023.12.29 14:34:28 -05'00'
Attorney for Complainant

Done at Washington, D.C.

this 2nd day of January, 2024

CHANNING STROTHER Digitally signed by CHANNING STROTHER
Date: 2024.01.02 13:42:26 -05'00'
Chief Administrative Law Judge

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