

**BEFORE THE BOARD OF LIVESTOCK
STATE OF MONTANA**

**IN THE MATTER OF THE APPLICATION
FOR CHANGE OF OWNERSHIP FOR
MONTANA LIVESTOCK AUCTION**

FINAL ORDER

On August 10, 2026, the Montana Department of Livestock (Department) held a public contested case hearing pursuant to Admin. R. Mont. 32.15.104(2) and 32.15.105(4) on a change of ownership request made by High County Livestock, Inc., which does business as Montana Livestock Auction. The Department retained a hearing examiner to conduct the hearing pursuant to Mont. Code Ann. § 2-4-611, and on August 21, 2026, the hearing examiner issued a *Proposed Decision and Recommended Order* (Proposed Decision) recommending that the proposed change of ownership be approved.

On August 24, 2026, the parties were served with the Proposed Decision and notified that the Board of Livestock (Board) would review the Proposed Decision at its Board meeting on August 27, 2026. The parties were given an opportunity to submit exceptions pursuant to Mont. Code Ann. § 2-4-621(1) on an expedited basis before the August 27 hearing or to request that this matter be heard by the Board at a later date. No exceptions or requests to continue the hearing were received.

This matter came before the Board for Final Order on August 27, 2026. In preparation for deliberations and decisions reflected in this Final Order, the Board members received and reviewed the entire administrative record of the contested case proceeding before the hearing examiner. Pursuant to Mont. Code Ann. § 2-4-623, the Board renders the final agency action on this contested case. The Board adopts the hearing examiner's Proposed Decision, which is attached and incorporated here as an exhibit.

STANDARD OF REVIEW

When evaluating the hearing examiner's Proposed Decision, the Board has statutory authority to reject or modify proposed conclusions of law. § 2-4-621(3). The Board may also reject or modify proposed findings of fact, but only after a review of the complete record, and the Board must state with particularity that the modified or rejected findings of fact were not based on competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. *Id.*

FINDINGS OF FACT

The Board determined the proposed findings of fact in the Proposed Decision are supported by competent substantial evidence in the record and the proceedings on which the findings are based complied with essential requirements of law. § 2-4-621(3).

The Board ADOPTS, without modification, the hearing examiner's proposed FINDINGS OF FACT.

CONCLUSIONS OF LAW

The Board determined the hearing examiner's proposed conclusions of law and interpretation of administrative rules are correct, including the conclusion that the requirements that must be met for a change of ownership of the operator of a livestock market were met and that the share buyer's qualifications to operate a livestock market were examined and found sufficient. § 2-4-621(3).

The Board ADOPTS, without modification, the hearing examiner's CONCLUSIONS OF LAW and interpretation of administrative rules.

ORDER ON MOTION FOR PROTECTIVE ORDER

The parties to the proposed change of ownership—Sandra Nuffer (Nuffer) and Barry and

Dannielle McCoy (McCoys)—filed a *Motion for Protective Order and Confidential Treatment of Filed Documents* (Motion) with the Department requesting that the financial information submitted to the Department in support of the approval request be accorded confidential treatment and sealed from public disclosure.

Admin. R. Mont. 32.15.105(1)(a) requires that a request for approval of change of ownership in a livestock market be accompanied by “[c]urrent financial statements of the market and of those persons acquiring ownership or control” and “[e]xecuted copies of any contracts bearing on the change of ownership or control.” Nuffer, the McCoys, and High Country Livestock, Inc. submitted these required documents, which is the subject of the Motion.

The Board finds that Nuffer and the McCoys, as individuals, have a reasonable expectation of privacy in documents containing information as to their personal finances and that Admin. R. Mont. 32.15.105(1)(a)’s submission requirement does not diminish this expectation as to dissemination outside of the Department. The Board also finds that the public’s right to know does not outweigh these individual privacy rights.

The Board further finds that High Country Livestock, Inc.’s financial situation meets the definition of a trade secret set forth in Mont. Code Ann. § 30-14-402(4) as to any person or entity outside of the Department, which regulates livestock markets pursuant to Mont. Code Ann. § 81-8-212. The Board finds that financial documents pertaining to High County Livestock, Inc:

1. Warrant confidential treatment notwithstanding the constitutional presumption of public access to agency records;
2. Constitute “information” as that term is understood under Montana law;
3. Are, in fact, secret and not generally known or readily ascertainable;

4. Have been subject to reasonable efforts by High Country Livestock, Inc. under the circumstances to maintain the secrecy of the information;
5. Are not readily ascertainable by proper means by other persons who can obtain economic value from its disclosure; and
6. Derive independent economic value, actual or potential, from its secrecy.

Pursuant to these findings, the Board orders the following:

A. The Motion is GRANTED; and

B. The Department shall treat all documents subject to the Motion as confidential and may not disseminate them outside of the Department without both (a) a formal public information request submitted pursuant to Montana law, and (b) a Court order that dissemination outside of the Department is required.

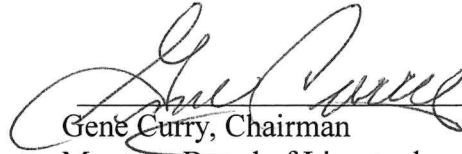
FINAL ORDER

The Board ADOPTS the recommended order in the hearing examiner's Proposed Decision. The change of ownership of High Country Livestock, Inc., which holds a livestock market certificate from the Department, from Sandra Nuffer to Barry and Dannielle McCoy is APPROVED.

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Mont. Code Ann. § 2-4-702, a person who is aggrieved by a final written decision in a contested case is entitled to judicial review and may institute judicial review by filing a petition in district court within 30 days after service of this Final Order written decision of the agency. For additional information, please refer to the Montana Administrative Procedure Act, Title 2, chapter 4, part 7, Montana Code Annotated.

DATED this 27th day of August, 2026.


Gene Curry, Chairman
Montana Board of Livestock

CERTIFICATE OF SERVICE

I certify I served a true and accurate copy of the foregoing *Final Order* via United States Postal Service mail, postage prepaid, and by electronic means addressed to the following:

Lori A. Harshbarger
Harshbarger Law Firm
P.O. Box 445
Twin Bridges, MT 59754
lori@harshbargerlawfirm.com
Attorney for Sandra Nuffer

Kevin Jones
Jones and Houston, PLLC
2625 Dearborn Ave., Ste. 102A
Missoula, MT 59804
kevin@jonesmtlaw.com
Attorney for Barry and Dannielle McCoy

DATED this 27th day of August, 2026.


Lindsey Simon
Montana Department of Livestock

**BEFORE THE BOARD OF LIVESTOCK
MONTANA DEPARTMENT OF LIVESTOCK**

In the Matter of the Application for Change of Ownership for Montana Livestock Auction	PROPOSED DECISION AND RECOMMENDED ORDER
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The Department of Livestock (“Department”) has appointed the undersigned to serve as the Hearing Examiner in the matter of the application for change of ownership for Montana Livestock Auction in Ramsay, Montana. § [81-8-253](#), MCA. The application proposes to change the ownership of High Country Livestock, Inc., which operates the Montana Livestock Auction, from Sandra Nuffer (“Seller”) to Barry and Dannielle McCoy (“Buyers”).

A public hearing was noticed and held on August 10, 2026, at 10:00 a.m. at the Montana Livestock Auction, 100 Cattle Drive, Ramsay, Montana. The Seller, represented by Lori Harshbarger, legal counsel; the Buyers; and members of the public attended the hearing.

EVIDENCE

Sworn testimony at the hearing was provided by the following:

1. Sandra Nuffer, the Seller;
2. Barry McCoy, a Buyer;
3. Dannielle McCoy, a Buyer; and
4. Jay Bodner, the Brands Division Administrator, Montana Department of Livestock;

The following documents, which comprise the application materials and any supplements to those materials, were admitted by the Hearing Examiner:

<u>Document</u>	<u>Date</u>
Rider for General Use with Surety Bond under the Packers and Stockyards Act (and original bond and power of attorney)	September 29, 2025
P&S Scale Reports	April 15, 2026

Buy Sell Agreement (including addendums)	May 2026
E-mail receipt for federal trademark/service mark application for MLA Montana Livestock Auction	July 11, 2026
Certificate of Registration of Mark from Montana Secretary of State for MLA Montana Livestock Auction	July 13, 2026
Notice of Intended Change in Operation	July 14, 2026
Notice of Pending Change of Ownership	July 15, 2026
Certification Letter from Montana Secretary of State for MLA Montana Livestock Auction	July 25, 2026
Business Entity Report from Montana Secretary of State for High Country Livestock, Inc.	July 29, 2026
Certificate of Fact from Montana Secretary of State for High Country Livestock, Inc.	July 29, 2026
Certificate of Fact from Montana Secretary of State for High Country Livestock, Inc.	July 29, 2026
Business plan, including proposed tariff schedule and auction terms	Undated
Seller financial statement	July 23, 2026
Buyer financial statements	Various

All original application materials and supplements were received and maintained by the Department.

An audio recording of the hearing was made by the Hearing Examiner and is part of the record.

PROPOSED FINDINGS OF FACT

1. Seller is the sole shareholder of High Country Livestock, Inc. *Notice of Intended Change in Operation* dated July 14, 2026, and testimony of Sandra Nuffer. Seller operates the Montana Livestock Auction in Ramsay, Montana, on real property owned by MLA, LLC, which also is solely owned by Seller. *Id.*

2. Buyers intend to purchase High Country Livestock, Inc., and the real property from MLA, LLC on which the Montana Livestock Auction operates. *Id.* and testimony of Barry McCoy and Dannielle McCoy.

3. Buyers have extensive experience in the livestock business, including ownership and operation of the Dillon Livestock Auction in Dillon, Montana. Testimony of Barry McCoy.

4. Seller and Buyers have entered into a Buy Sell Agreement that includes High Country Livestock, Inc., and the real property on which the Montana Livestock Auction operates. *Buy Sell Agreement* and *Notice of Intended Change in Operation* dated July 14, 2026.

5. Buyers intend to continue to operate the Montana Livestock Auction “at its existing location under the same corporate entity, utilizing substantially the same facilities.” *Notice of Intended Change in Operation* dated July 14, 2026.

6. Sandra Nuffer, Barry McCoy, and Dannielle McCoy testified that the documents submitted as application materials and supplements were true and accurate copies of the information contained in the originals, and the application materials and supplements were admitted into the record.

7. Jay Bodner testified that the Department was satisfied that the Buyers and Seller had submitted all materials required for an application for a change of ownership and that the materials submitted satisfied the statutory requirements.

8. Witnesses for both Seller and Buyers testified in support of the change of ownership.

9. No witnesses testified in opposition to the change of ownership or raised any concerns about the parties or the application materials.

10. At the conclusion of the hearing, the public meeting was opened for public comment. One member of the public provided non-testimonial comments in support of the change of ownership.

11. No members of the public commented in opposition to the change of ownership or raised any concerns about the parties or the application materials.

PROPOSED CONCLUSIONS OF LAW

1. The materials that must be submitted with an application for a change of ownership of the operator of a livestock market are set forth in § [81-8-251\(2\)](#), MCA, as follows:

The application for a certificate of public convenience must be in writing, verified by the applicant, and filed with the department. The application must specify the following:

- (a) (i) the names of the persons applying for a certificate together with their permanent addresses; or
- (ii) if the applicant is a firm, association, partnership, or corporation, the names of its directors, officers, and members, if applicable;
- (b) the place where the applicant proposes to operate as a livestock market;
- (c) a complete description of the property and facilities proposed to be used for the livestock market;
- (d) the commissions or charges the applicant proposes to impose on the consignors' livestock for services rendered by the applicant in the operation of the livestock market;
- (e) a detailed statement of the facts on which the applicant relies to show public convenience and necessity for the livestock market, including the trade area to be served, the economic benefits to the livestock industry, and the services to be offered;
- (f) if the applicant is a foreign corporation, its principal place of business outside the state, the state in which it is incorporated, and a showing that it is in compliance with the laws relating to foreign corporations doing business in this state;
- (g) a detailed financial statement showing that current assets exceed current liabilities and that long-term assets exceed long-term liabilities; and
- (h) any additional information the department may require.

2. The Hearing Examiner concludes that the materials that must be submitted with an application for a change of ownership were submitted. No contrary testimony or evidence was presented.

3. The requirements that must be met for a change of ownership of the operator of a livestock market are set forth in § [81-8-253](#), MCA, as follows:

The department may approve the transfer of ownership of a certificate of public convenience and necessity issued pursuant to this part without a determination and showing of public convenience and necessity. Such approval may be granted only after a public hearing at which the transferee's qualifications to operate a livestock market have been thoroughly examined and found sufficient to properly operate a livestock market. A

minimum of 10 days' notice by mail must be given to all persons to whom notice is sent pursuant to the provisions of 81-8-252 of a hearing to consider an initial application for a certificate.

4. The Hearing Examiner concludes that the requirements that must be met for a change of ownership of the operator of a livestock market were met. No contrary testimony or evidence was presented.

4. The Hearing Examiner concludes that Buyer's qualifications to operate a livestock market were examined and found sufficient. No contrary testimony or evidence was presented.

5. The requirement for a hearing on the change of ownership of the operator of a livestock market is set forth in ARM [32.15.104\(2\)](#), as follows:

Changes which result in ownership or control of the market passing to persons not already approved by the department of livestock to operate the market may be given approval only after public hearing before the department of livestock.

6. The Hearing Examiner concludes that the hearing requirement for a proposed change in ownership or control of the livestock market was met.

RECOMMENDED ORDER

Based upon the review of the evidence, the consideration of testimony at the hearing, and the applicable legal requirements, the Hearing Examiner recommends that the Board of Livestock APPROVE the application for a change of ownership of the operator of the livestock market from Seller to Buyer. The Hearing Examiner further recommends that the proposed findings of fact, conclusions of law, and recommended order be ACCEPTED in full by the Board of Livestock.

Exceptions to these proposed findings of fact, conclusions of law, and recommended order may be filed pursuant to § [2-4-621\(1\)](#), MCA, and ARM [1.3.223\(1\)](#).

DATED August 21, 2026.

By: /s/ Robert Stutz
Robert Stutz, Attorney at Law, Hearing Examiner