

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	
)	
Thomas B. Welch d/b/a TBW Cattle)	P & S Docket No. D-16-0099
)	
)	
Respondent)	CONSENT

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (“the Act”), by a Complaint filed on May 2, 2016 by the Deputy Administrator of the Grain Inspection, Packers and Stockyards Administration (GIPSA), of the United States Department of Agriculture (“Complainant”), alleging that Respondent Thomas B. Welch d/b/a TBW Cattle (“Respondent”) willfully violated the Act. This Consent Decision is entered pursuant to the consent decision provision 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”).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint and specifically admit that the Secretary of the United States Department of Agriculture has jurisdiction in this matter; neither admits nor denies the remaining allegations; waives oral hearing and further procedure, including all rights to seek judicial review and otherwise challenge or contest the validity of this decision; and consents and agrees, for the purpose of settling this proceeding, and for such purpose only, to the entry of this decision.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Thomas "Tommy" B. Welch, doing business as TBW Cattle (hereinafter "Respondent"), is an individual with a business mailing address of P.O. Box 310, 3601 Millikan Road, Sophia, North Carolina, 27350.
2. At all times material herein, Respondent was:
 - a. Engaged in the business of buying and selling livestock in commerce as a dealer for its own account; and
 - b. Not registered with the Secretary of Agriculture as a dealer to buy and sell livestock; however, operating subject to the Act.

Conclusion

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

ORDER

Respondent, Thomas "Tommy" B. Welch d/b/a TBW Cattle, his 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 failing to pay, when due, the full purchase price of livestock and from engaging in business in any capacity for which registration is required under the Act without first registering with the Secretary of Agriculture. Pursuant to Section 303 of the Act, the Respondent is prohibited from engaging in business subject to the Act without being registered with the Secretary of Agriculture. (7 U.S.C. § 203; *see also* 9 C.F.R. § 201.10).

Respondent agrees to submit an application for registration with the Secretary with his payment of the civil penalty.

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), the Respondent is hereby assessed a civil penalty in the amount of ten thousand dollars (\$10,000). Payment must be made by **certified check or money order**, must **include the docket number** of this proceeding, P&S Docket No D-16-0099, and be **payable to the "Treasurer of the United States."** Payment of the civil penalty shall be due immediately and sent, with a signed copy of this Consent to:

Elizabeth M. Kruman
Office of the General Counsel
U.S. Department of Agriculture
Room 2336-A, South Building
1400 Independence Avenue, SW.
Washington, D.C. 20250.


This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become effective upon issuance. (7 C.F.R. § 1.138).

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

Issued this 21 day of June, 2016,
in Washington, D.C.


ADMINISTRATIVE LAW JUDGE


THOMAS B. WELCH d/b/a TBW Cattle
Respondent


ELIZABETH M. KRUMAN
Attorney for Complainant

CERTIFICATE OF SERVICE

Respondent. - Thomas B. Welch d/b/a TBW Cattle

Docket No. 16-0099

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct and this is to certify that a copy of the foregoing has been furnished and was served upon the following parties on June 23, 2016 by the following:

USDA (OGC) –Personal Pick-up/Electronic Mail

Elizabeth M. Kruman,

Donna Erwin

Respondent(s)

THOMAS B. WELCH

d/b/a TBW CATTLE

P.O. BOX 310

3601 MILLIKAN ROAD

SOPHIA, NORTH CAROLINA 27350

Respectfully Submitted,

A large black rectangular redaction box covers the signature area. A handwritten signature in black ink is visible, appearing to be 'Jamaal Clayburn', written over the redaction and extending to the left.

Jamaal Clayburn

Hearing Clerk Liaison Officer

USDA/Office of Administrative Law Judges

Hearing Clerk's Office

1400 Independence Ave., SW, Room 1031-S

Washington, DC 20250-9203

Phone: 202-720-4443

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