

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-07-0128
)
Lee Johnson)
)
Respondent) Decision Without Hearing
) by Reason of Default

Preliminary Statement

This is a disciplinary proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*)(hereinafter referred to as the “Act”), instituted by a Complaint filed on June 13, 2007, by the Deputy Administrator, Packers and Stockyards Program, GIPSA, United States Department of Agriculture. The Complaint alleged that during the period July 4, 2005, through January 16, 2006, Lee Johnson, (hereinafter “Respondent”), purchased livestock and failed to pay, when due, the full purchase price of such livestock, in a total amount of \$679,122.85, to three (3) sellers for 26 transactions. Respondent’s payments for these transactions ranged from two (2) to 12 days late.

A copy of the Complaint was mailed to Respondent by certified mail at his last known mailing address on June 13, 2007, and was returned marked "Unclaimed" to the office of the Hearing Clerk on July 30, 2007. A copy of the Complaint was remailed to Respondent at the same address by ordinary mail on July 30, 2007 pursuant to Section 1.147(c) of the Rules of Practice (7 C.F.R. § 1.147(c)). Respondent has not answered the Complaint. The time for filing an answer having expired, and upon motion of the Complainant for the issuance of a Default Order, the following Decision and Order shall be issued without further procedure pursuant to Section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Finding of Fact

1. Lee Johnson (hereinafter "Respondent") is an individual whose mailing address is 1540 AN CR 489, Montalba, Texas.
2. Respondent at all times material to this Complaint was engaged in the business of buying and selling livestock in commerce as a dealer for his own account and was registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.
3. The Secretary has jurisdiction over Respondent and the subject matter involved herein.
4. As set forth in paragraph II of the Complaint, during the period July 4, 2005, through January 16, 2006, Respondent purchased livestock and failed to pay, when due, the full purchase price of such livestock, in a total amount of \$679,122.85, to three (3) sellers for 26 transactions. Respondent's payments for these transactions ranged from two (2) to 12 days late.

Conclusions

Respondent's failures to make full payment promptly with respect to the 26 transactions set forth in Finding of Fact No. 4 above constitute willful violations of sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b) for which the Order below is issued.

Order

Respondent Lee Johnson, his agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent Lee Johnson is assessed a civil penalty in the amount of Two Thousand Dollars (\$2,000.00).

Pursuant to the Rules of Practice governing procedures under the Act, this Decision will become final without further proceedings 35 days after service hereof unless appealed to the Secretary by a party to the proceeding within 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 hereof shall be served upon the parties.

Done at Washington, D.C.

this 25th day of March,

Marc R. Hillson
Administrative Law Judge