

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P. & S. Docket No. D-08-0159  
Rick Baldwin )  
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 July 31, 2008, by the Deputy Administrator, Packers and Stockyards Program, GIPSA, United States Department of Agriculture. The Complaint alleged that Rick Baldwin (hereinafter “Respondent”) continued to engage in the business of a market agency buying livestock in commerce on a commission basis without being properly registered and without maintaining an adequate bond or its equivalent, notwithstanding having received notice that it was necessary to be properly registered and to file a surety bond to secure his livestock operations under the Act before continuing in such operations.

A copy of the Complaint, mailed by certified mail, was received by Respondent on August 21, 2008. 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).

Findings of Fact

1. Rick Baldwin (hereinafter "Respondent") is an individual whose mailing address is 37087 Kgal Drive, Lebanon, Oregon 97355-9642.

2. Respondent at all times material to this Complaint was engaged in the business of a market agency buying livestock in commerce on a commission basis and registered with the Secretary of Agriculture as a dealer and as a market agency buying on commission. Respondent requested that his registration be made inactive on May 30, 2001.

3. The Secretary has jurisdiction over Respondent and the subject matter involved herein.

4. As set forth in paragraph II of the Complaint, Respondent was duly notified that a livestock dealer and/ or market agency who resumes operations with an inactive registration must provide updated information for his or her registration and file an appropriate bond or bond equivalent for that level of operation.

5. As set forth in paragraph III of the Complaint, during the period March 31, 2007, through May 16, 2007, Respondent engaged in the business of buying livestock (cattle) in commerce on a commission basis without being properly registered or maintaining an adequate bond or bond equivalent.

### Conclusions

Respondent's engaging in the business of a market agency dealer buying livestock on a commission basis without being properly registered and maintaining an adequate bond or its equivalent, as set forth in Findings of Fact Nos. 4 and 5 above constitutes a willful violation of section 312(a) of the Act (7 U.S.C. § 213(a)) and sections 201.10, 201.29, and 201.30 of the Regulations (9 C.F.R. §§ 201.10, 201.29, 201.30).

Order

Respondent Rick Baldwin, 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 engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act, as amended and supplemented, and the regulations, without being properly registered and filing and maintaining an adequate bond or its equivalent, as required by the Act and the regulations.

In accordance with 7 U.S.C. § 204, the registration of Respondent Rick Baldwin is suspended for a period of 40 days.

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 28<sup>th</sup> day of October, 2008

Marc R. Hillson  
Administrative Law Judge