

ORIGINAL

USDA
OALJ/OHC

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

JAN 13 PM 2:37

RECEIVED

| | | |
|------------------------|---|-------------------------------|
| In re: |) | P & S Docket No D-09-0183 |
| |) | |
| Jeremy T. Gorham d/b/a |) | |
| Euclid Stockyards, |) | |
| |) | |
| |) | |
| Respondent |) | Decision by Reason of Consent |

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) (Act), by a Complaint filed on August 25, 2009, by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondent willfully violated the Act and regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, 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. Jeremy T. Gorham, hereinafter referred to as "Respondent", is an individual doing business as Euclid Stockyards, whose business address is 14185 South Euclid Avenue, Ontario, CA 91762.
2. At all times material to this Decision, Respondent was
 - a. Engaged in the business of buying and selling livestock in commerce on a commission basis; and
 - b. Registered with the Secretary of Agriculture as a market agency buying and selling livestock on commission.

Conclusions

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

Order

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

- ~~1. failing to fully reimburse the custodial account within the times prescribed in section 201.42 of the regulations (9 C.F.R. § 201.42), or~~
2. failing to otherwise maintain the custodial account in strict conformity with the provisions of section 201.42 of the regulations (9 C.F.R. § 201.42)

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of Seventeen Thousand Dollars (\$17,000.00). Respondent shall make payments according to the provisions outlined in the Understanding Regarding Civil

Penalty Terms entered into by the parties.

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

Copies of this decision shall be served upon the parties.

[Redacted signature]

Jeremy T. Gorham
Respondent

[Redacted signature]

Ciarra A. Toomey
Attorney for Complainant

Done at Washington, D.C.

this 13th day of January, 2011

[Redacted signature]

Administrative Law Judge

for Victor Palmer
Administrative
Law Judge

OFFICE OF ADMINISTRATIVE LAW JUDGES
Hearing Clerk's Office

Document Distribution Form

Docket #: 09-0183 (PS-D)

Document(s):

Decision by reason of consent

1. Date sent to: Respondent(s) Petitioner(s): 1/14/2011

- Regular Mail Fax Certified Mail
 Registered Mail FedEx Personal Service
 Other:

Address:

JEREMY GORHAM
d/b/a EUCLID STOCKYARDS
14185 SOUTH EUCLID AVENUE
ONTARIO, CA 91762

2. Date sent to OGC: 1/14/2011

Date sent to Agency: 1/14/2011

- Inter-Office Mail Inter-Office Mail
 Messenger Messenger
 Pick-Up Pick-Up
 Other Other

OGC - Served and Address:

Agency - Served and Address:

Ciarra A. Toomey
Trade Practices Div., OGC
2309-South Building

Alan R. Christian
GIPSA
2055 South Bldg.

Signature: _____

