

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	P&S Docket No. 12-0185
)	
Pamela Hill and John Clark,)	
d/b/a Tri-State Livestock,)	
)	
Respondent)	Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §§ 181 et seq.), by a complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that respondents Pamela Hill and John Clark, d/b/a Tri-State Livestock, willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. §§ 201.1 et seq.). This decision is entered pursuant to the consent decision provision of the rules of practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondents Pamela Hill and John Clark, d/b/a Tri-State Livestock, are individuals with a mailing address of HCR 3, Box 2, Texhoma, Oklahoma 73949.

2. Respondents were, at all times material herein, engaged in the business of individually registered livestock dealers who buy and sell livestock in commerce for their own account.

Conclusions

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

Order

Respondents Pamela Hill and John Clark, d/b/a Tri-State Livestock, their agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act and the regulations promulgated thereunder without first becoming properly registered under the Act as required by section 201.10(a) of the regulations (9 C.F.R. § 201.10(a)), and without filing and maintaining an adequate bond or its equivalent as required by the Act and by sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29 and 201.30).

Respondents shall cease and desist from failing to pay livestock dealers or their duly authorized representatives the full amount of the purchase price for livestock before the close of the next business day following each purchase of livestock, as required by sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b).

Respondents shall cease and desist from failing to maintain sufficient funds on deposit and available in the account upon which payment checks are drawn to pay such checks when presented, as required section 312(a) of the Act (7 U.S.C. §§ 213(a)).

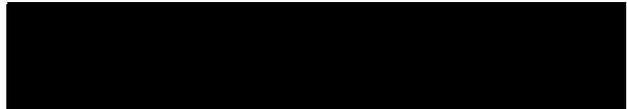
Pursuant to 7 U.S.C. § 204, the respondents, operating individually or through any corporate or other device, are prohibited from registering under the Act for a period of five (5) years, provided, however, that upon application to the Packers & Stockyards Administration a supplemental order may be issued terminating the suspension after one (1) year upon demonstration by the respondents that all unpaid livestock sellers have been paid in full, and provided further, that this order may be modified upon application to the Packers & Stockyards Administration to permit respondents' employment by another registrant after the expiration of one (1) year of the suspension.

The provisions of this order shall become effective on the sixth day after service of this consent decision and order on the respondents.

Copies of this decision shall be served upon the parties.



Pamela Hill
Respondent



John Clark
Respondent



Thomas N. Bolick
Attorney for Complainant

Done at Washington, D.C.

this 9th day of Mar, 2012



Administrative Law Judge