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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D-12-0398
)
Donald D. Baker Cattle Company, LLC,)
)
and Donald D. Baker)
)
Respondents) 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 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

(a) Donald D. Baker Cattle Company, LLC, is, and at all times material herein was, a limited liability company organized and existing under the laws of the Commonwealth of Virginia. Respondent Donald D. Baker Cattle Company, LLC has a mailing address of 2858 Old Baywood Road, Galax, VA, 24333, and is:

- (1) Engaged in the business of a dealer buying and selling livestock in commerce; and
- (2) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce.

(b) Respondent Donald D. Baker, is and at all times material herein, was, an individual with a business mailing address of 2858 Old Baywood Road, Galax, VA, 24333, and:

- (1) Sole owner of respondent Donald D. Baker Cattle Company, LLC;
- (2) Responsible for the day to day direction, management and control of respondent Donald D. Baker Cattle Company, LLC; and
- (3) The *alter ego* of respondent Donald D. Baker Cattle Company, LLC.

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, their agents and employees, successors and assigns, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and desist from purchasing livestock and failing to pay for such livestock purchases the full amount of the purchase price for livestock within the time period required by section 409 of the Act (7 U.S.C. § 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondents are assessed, jointly and severally, a civil penalty in the amount of fourteen thousand two-hundred and twenty-five dollars (\$14,225.00).

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 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.


Donald D. Baker, on behalf of himself and
on behalf of Donald D. Baker Cattle Company, LLC
Respondents


Krishna G. Ramaraju
Attorney for Complainant

Done at Washington, D.C.

this 31st day of May, 2012


PETER M. DAVENPORT
Administrative Law Judge