

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 12-0167

In re: Robert M. Self,

Respondent

Default Decision and Order

Preliminary Statement

This disciplinary proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), (Act), by a Complaint filed on January 10, 2012, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Robert M. Self (Respondent) willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*) (Regulations).

On January 10, 2012, the Hearing Clerk mailed a copy of the Complaint and the Rules of Practice, via certified mail, to Respondent. The Complaint was returned to the Hearing Clerk marked by the postal service as “unclaimed.” In accordance with section 1.147 of the Rules of Practice, (7 C.F.R. § 1.147(c)(1)), the Hearing Clerk resent the Complaint to Respondent by regular mail on February 7, 2012. By operation of the Rules of Practice, the Complaint was served as of that date.

As Respondent failed to file an Answer, the following Findings of Fact, Conclusions of Law and Order will be entered pursuant to section 1.139 of the Rules of Practice. 7 C.F.R. § 1.139.

Findings of Fact

1. Robert M. Self (Respondent) is an individual residing in Durant, Oklahoma.
2. Respondent, at all times material herein, was:
 - (a) Engaged in the business of a market agency purchasing livestock in commerce on a commission basis or engaged in the business of buying and selling livestock in commerce for his own account or for the account of others as a dealer;
 - (b) Not registered as a dealer or market agency with the Secretary of Agriculture; and
 - (c) Operating as a dealer or market agency within the jurisdiction of the Secretary.
3. In a Notice of Default, dated May 14, 2009, and personally served upon Respondent on August 18, 2009, the Western Regional Office of Complainant notified Respondent that he was operating subject to the Act and that he needed to file an application for registration and a bond or bond equivalent before he continued livestock operations.
4. Notwithstanding the notice to Respondent that he must be registered and bonded in order to lawfully operate subject to the Act, on or about the dates and in the transactions set forth in Appendix A and incorporated herein by reference, Respondent engaged in the business of buying and selling livestock in commerce as a dealer or market agency without obtaining the necessary registration and bond as required by the Act and the regulations.
5. Respondent, in connection with his operations subject to the Act, on or about the dates and in the transactions set forth in Appendix B and incorporated herein by reference, issued checks in payment for livestock purchases, which checks were returned unpaid by the bank upon

which they were drawn because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which the checks were drawn to pay the checks when presented.

6. Respondent, in connection with his operations subject to the Act, on or about the dates and in the transactions set forth in Appendix C and incorporated herein by reference, failed to pay the full amount of the purchase price for livestock within the time period required by the Act.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Respondent has engaged in operations subject to the Act without maintaining an adequate bond and therefore has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)), and sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29, 201.30).
3. Respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228(b)).

Order

1. Respondent Robert M. Self, his agents and employees, directly or indirectly through any corporate or other device, in connection with his operations subject to the Packers and Stockyards Act, shall cease and desist from:
 - a. 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 filing and maintaining an adequate bond or its equivalent, as required by the Act and the regulations;
 - b. Issuing checks in payment for livestock without having and maintaining sufficient

funds on deposit and available in the bank account upon which they are drawn to pay such checks when presented; and

- c. Failing to pay, when due, the full purchase of livestock.
2. Respondent Robert M. Self is prohibited from engaging in business in any capacity for which registration and bonding is required under the Packers and Stockyards Act without first becoming properly registered under the Act.
3. Respondent is assessed a civil penalty in the amount of nineteen thousand six hundred dollars (\$19,600.00). Respondent shall send a certified check or money order in the amount of nineteen thousand six hundred dollars (\$19,600.00), payable to the Treasurer of the United States, to:

USDA—GIPSA
P.O. Box 790335
St. Louis, MO 63197-9000

The certified check or money order shall include the docket number of this proceeding.

4. This decision shall become final and effective without further proceedings 35 days after the date of service upon Respondent, unless it is appealed to the Judicial Officer by a party to the proceeding within 30 days pursuant to Section 1.145 of the Rules of Practice (7 C.F.R § 1.145).

Copies of this decision shall be served upon the parties.

June 29, 2012

Peter M. Davenport
Chief Administrative Law Judge

Appendix A

**Robert M. Self
Schedule of Purchases and Sales/Commissions**

Purchase Date	No. of Head	Livestock Amount	Purchased From	Purchased For	Commission Amount
9/22/2009	33	\$15,886.28	Durant Stockyards	Caviness Beef Packers, LTD	\$182.65
9/21/2009	78	\$34,532.58	Atoka Livestock	Caviness Beef Packers, LTD	\$415.48
9/21/2009	18	\$6,287.88	Atoka Livestock	Robert Self	
9/19/2009	21	\$11,541.63	Caddo Livestock Auction	Caviness Beef Packers, LTD	\$127.75
9/19/2009	26	\$11,701.77	Caddo Livestock Auction	Robert Self	
9/18/2009	35	\$18,481.50	Hugo Livestock Market	Caviness Beef Packers, LTD	\$210.13
9/18/2009	14	\$4,990.20	Hugo Livestock Market	Robert Self	
9/14/2009	53	\$27,174.49	Atoka Livestock	Caviness Beef Packers, LTD	\$304.98
8/31/2009	48	\$27,646.69			\$291.10
8/24/2009	62	\$32,169.64			\$352.23

Sale/Invoice Date	No. of Head	Livestock Amount	Sold To
9/23/2009	41	\$18,923.22	L&H Packing Co.
9/29/2009	41	\$16,747.14	L&H Packing Co.

Appendix B

Robert M. Self Schedule of Checks Returned Unpaid for Livestock

PURCHASED FROM	PURCHASE DATE	NO. OF HEAD	LIVESTOCK AMOUNT	CHECK DATE	CHECK No.	CHECK AMT.	RETURN DATE
Atoka Livestock, LLC	4/20/2009	28	\$11,507.24	4/2/2009	2733	\$11,627.24	5/7/2009
				5/20/2009	2781		5/29/2009
Atoka Livestock, LLC	6/15/2009	20	\$6,159.45	6/22/2009	2801	\$6,279.45	6/25/2009
Atoka Livestock, LLC	6/22/2009	20	\$9,137.84	6/29/2009	2806	\$9,197.84	7/2/2009
				8/9/2009	2823		8/26/2009
Atoka Livestock, LLC	7/6/2009	5	\$2,744.13	7/6/2009	2808	\$2,804.13	7/16/2009
Atoka Livestock, LLC	7/27/2009	11	\$3,827.04	7/27/2009	2816	\$3,887.04	8/11/2009
				8/24/2009	2829		8/28/2009
Atoka Livestock, LLC	8/3/2009	15	\$5,036.15	8/3/2009	2820	\$5,096.15	8/13/2009
Atoka Livestock, LLC	8/10/2009	11	\$3,875.01	8/10/2009	2824	\$3,935.01	8/20/2009
Atoka Livestock, LLC	8/17/2009	9	\$2,930.09	8/17/2009	2826	\$2,990.09	8/27/2009
Atoka Livestock, LLC	8/17/2009	1	\$668.85	8/24/2009	2828	\$668.85	8/28/2009
Atoka Livestock, LLC	8/31/2009	13	\$5,861.52	Not Available	2831	\$5,921.52	9/11/2009
Atoka Livestock, LLC	9/14/2009	14	\$5,229.21	9/14/2009	2833	\$5,299.21	10/1/2009
Atoka Livestock, LLC	9/21/2009	18	\$6,287.88	9/21/2009	2834	\$6,347.88	10/8/2009
TOTALS		165	\$63,264.41			\$64,054.41	

Appendix C

Robert M. Self

Schedule of Failure to Pay within time period required by the Act for Livestock

Purchased From	No. of Head	Livestock Amount	Purchase Date	Due Date	Check Date	Check Amount	Date Returned	Days Late¹
Atoka Livestock, LLC	28	\$11,507.24	4/20/2009	4/21/2009	5/20/2009	\$11,627.24	5/27/2009	36
Atoka Livestock, LLC	20	\$6,159.45	6/15/2009	6/16/2009	6/22/2009	\$6,279.45	6/25/2009	9
Atoka Livestock, LLC	20	\$9,137.84	6/22/2009	6/23/2009	6/29/2009	\$9,197.84	7/2/2009	9
Atoka Livestock, LLC	5	\$2,744.13	7/6/2009	7/7/2009	7/6/2009	\$2,804.13	7/16/2009	9
Atoka Livestock, LLC	11	\$3,827.04	7/27/2009	7/28/2009	7/27/2009	\$3,887.04	8/11/2009	14
Atoka Livestock, LLC	15	\$5,036.15	8/3/2009	8/4/2009	8/3/2009	\$5,096.15	8/13/2009	9
Atoka Livestock, LLC	11	\$3,875.01	8/10/2009	8/11/2009	8/10/2009	\$3,935.01	8/20/2009	9
Atoka Livestock, LLC	1	\$668.85	8/17/2009	8/18/2008	8/24/2009	\$668.85	8/28/2009	10
Atoka Livestock, LLC	9	\$2,930.09	8/17/2009	8/18/2009	8/17/2009	\$2,990.09	8/27/2009	9
Totals	120	\$45,885.80				\$46,485.80		12.7

¹ *Days late calculated by using difference between the due date and the date the check was returned.