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UNITED STATES DEPARTMENT OF AGRICULTURE -6 AM 11: 46

BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P & S Docket No. D-12-0419
)	
Boswell Livestock Commission Co., Inc.,)	
)	
Ronald R. Bullard, Jr.,)	
)	
and)	
)	
Kevin R. Bullard)	
)	
Respondents)	Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (the Act), 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 the respondents willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.) (regulations). This consent decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statues (7 C.F.R. § 1.138) (Rules of Practice).

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 consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

(1) Respondent Boswell Livestock Commission Co., Inc. is a corporation organized and existing under the laws of the State of Indiana. Its business mailing address is P.O. Box 274, Boswell, Indiana 47921.

(2) Respondent Ronald R. Bullard, Jr., is an individual whose home address is in the State of Indiana. In order to protect the personal privacy of respondent Ronald R. Bullard, Jr., his address is not included in this Decision but has been provided to the Hearing Clerk for purpose of effecting service of process.

(3) Respondent Kevin R. Bullard is an individual whose home address is in the State of Indiana. In order to protect the personal privacy of respondent Kevin R. Bullard his address is not included in this Decision but has been provided to the Hearing Clerk for purpose of effecting service of process.

(4) Respondent Boswell Livestock Commission Co., Inc., under the direction, management, and control of respondents Ronald R. Bullard, Jr., and Kevin R. Bullard, at all times material herein was:

(a) Engaged in the business of conducting and operating Boswell Livestock Commission Co., Inc., a stockyard posted under and subject to the provisions of the Act;

(b) Engaged in the business of a livestock dealer buying and selling livestock in commerce and as a market agency selling livestock in commerce on a commission basis; and

(c) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce, and as a market agency to sell livestock in commerce on a commission basis.

- (5) Respondent Ronald R. Bullard, Jr. at all times material herein was:
- (a) President of respondent Boswell Livestock Commission Co., Inc.;
 - (b) Owner of 50% of the stock issued by respondent Boswell Livestock Commission Co., Inc.; and
 - (c) Responsible, along with respondent Kevin R. Bullard, for the direction, management, and control of respondent Boswell Livestock Commission Co., Inc.
- (6) Respondent Kevin R. Bullard at all times material herein was:
- (a) Secretary and Treasurer of respondent Boswell Livestock Commission Co., Inc.;
 - (b) Owner of 50% of the stock of respondent Boswell Livestock Commission Co., Inc.; and
 - (c) Responsible, along with respondent Ronald R. Bullard, Jr., for the direction, management, and control of respondent Boswell Livestock Commission Co., Inc.

Conclusion

Respondent Boswell Livestock Commission Co., Inc., respondent Ronald R. Bullard, Jr., and respondent Kevin R. Bullard having admitted the jurisdictional facts, and the parties having agreed to the entry of this consent decision, the consent decision will be entered.

Order

Respondent Boswell Livestock Commission Co., Inc., respondent Ronald R. Bullard, Jr., and respondent Kevin R. Bullard, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act and regulations, shall cease and desist from:

1. Failing to properly maintain their Custodial Account for Shippers' Proceeds in strict conformity with the Act and section 201.42 of the regulations (9 C.F.R. § 201.42);
2. Failing to fully reimburse the custodial account within the times prescribed in section 201.42 of the regulations (9 C.F.R. § 201.42);
3. 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); and
4. Failing to charge all consignors the correct posted rates and charges specified in their schedule of rates and charges filed with the Secretary of Agriculture and in effect at the time such services are furnished.

Respondent Boswell Livestock Commission Co., Inc., respondent Ronald R. Bullard, Jr., and respondent Kevin R. Bullard, their agents and employees, shall keep such accounts, records, and memoranda that fully and correctly disclose all transactions involved in their business as packer as required by section 401 of the Act (7 U.S.C. § 221), including but not limited to, accounts of sale stating the true and correct names of the purchasers of consigned livestock, and all other facts necessary to show fully the true nature of each transaction.

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 three thousand dollars (\$3,000.00), which shall be paid by a certified check or money order made payable to the Treasurer of the United States and shall be sent to Ciarra A. Toomey, Attorney, Office of the General Counsel, U.S. Department of Agriculture, Room 2019 South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250. The certified check or money order should include the docket number of this proceeding, P&S Docket No. 12-0419.

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

Copies of this decision and order shall be served upon the parties.

Done at Washington, D.C.

this ____ day of _____, 2012

Administrative Law Judge

Boswell Livestock Commission Co., Inc., Respondent

By: _____

Title: *President*

Ronald R. Bullard, Jr.
Respondent

Kevin R. Bullard
Respondent

Bradley A. Rozzi
Attorney for Respondents

Ciarra A. Toomey
Attorney for Complainant