

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P&S Docket No. 12-0616
)
)
Billy Tackett)
)
Respondent)
) Decision Without Hearing
) By Reason of Consent

This 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 by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondent 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 Statutes (7 C.F.R. § 1.138) (Rules of Practice).

The 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 consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

- a) Billy Tackett, referred to herein as the respondent, is an individual with a mailing address of P.O. Box 7, Collinsville, Oklahoma 74021.

b) The respondent is, and at all times material herein was:

- (1) Engaged in the business of a dealer buying and selling livestock in commerce;
and
- (2) Not registered with the Secretary of Agriculture as a dealer to buy and sell
livestock in commerce.

Conclusion

Respondent 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, directly or through any corporate or other device, in connection with his operations subject to the Act, shall cease and desist from:

- a) Buying and selling livestock without being properly registered with GIPSA; and,
- b) Buying and selling livestock in commerce without maintaining an adequate bond or bond equivalent.

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 two thousand five hundred dollars (\$2500.00), all of which shall be held in abeyance for a period of one (1) year. If the respondent, after opportunity for hearing, is found to have violated the terms of this Order or any provision of the Regulations or Act during this period of one (1) year, then the twenty five hundred dollars (\$2500.00) becomes due and payable. If, after the expiration of this one (1) year time period, respondent has not committed any new violations of the Act or the Regulations, then respondent will not be obligated to pay the civil penalty.

This Order shall have the same force and effect as if entered after a full hearing. 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 24 day of JAN, 2013



Administrative Law Judge

Janice K. Bullard



Billy Tackett
Respondent



Carlyne S. Gockrum
Attorney for Complainant