

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USDA
GIPSA
OCT 11 11:30 AM
ED

In re:)
) P&S Docket 13-0060
)
)
) Monte Clark)
)
)
)
) Respondent)
) Decision without Hearing by
) Reason of Consent

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 respondent Monte Clark violated the Act. 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).

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 decision.

The complainant agrees to the entry of this decision.

Findings of Fact

- (a) Respondent Monte Clark is an individual. In order to protect the personal privacy of the Respondent, Complainant is not providing Respondent's address in this

Consent Decision, but Complainant has provided the address to the Hearing Clerk.

- (b) Respondent Monte Clark was at all times material herein engaged in the business of a dealer buying and selling livestock in commerce.
- (c) Respondent was registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce from January 11, 2005, to September 9, 2010, when his registration to operate as a livestock dealer expired due to his failure to file a corrected 2009 Annual Report that reflected the addition of clearing services to his registration.

Conclusions

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

Order

Respondent, his agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from failing to pay, when due, the full purchase of livestock, as required by section 312(a) and 409 of the Act (7 U.S.C. § 213(a) and 228b).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondent is hereby assessed a civil penalty in the amount of Four Thousand Five Hundred Dollars (\$4,500.00).

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 (6th) day of this Consent Decision and Order on the respondent (7 C.F.R. § 1.138).

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

[Redacted]

1-31-13

Monte Clark
Respondent

[Redacted]

Lisa Jabaily
Attorney for Complainant

Done at Washington, D.C.

this 11th day of February 2012

[Redacted]

Administrative Law Judge