

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USDA
OFFICE OF THE SECRETARY
WASHINGTON, DC 20250
10/13/13

In re:) P&S Docket No. 13-0170
)
)
Keith Robertson)
Charlene Robertson)
)
and)
)
Farmington Livestock, LLC)
)
)
Respondents.) 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.*), hereinafter referred to as the “Act,” and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*), hereinafter referred to as the “regulations” by a Complaint and Notice of Hearing filed by the Acting Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that respondent willfully violated the Act and the regulations. This decision is entered pursuant to the consent decision provisions 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

- (1) Respondent Farmington Livestock, LLC, is a limited liability company organized under the laws of the State of Missouri, with a mailing address of P. O. Box 471, Bourbon, Missouri 65441.
- (2) Respondent Farmington, under the direction, management, and control of Respondents Keith Robertson and Charlene Robertson, is, and at all times material herein was:
 - (a) Engaged in the business of conducting and operating Farmington Livestock, LLC, as a stockyard posted under and subject to the provisions of the Act;
 - (b) Engaged in the business of a market agency selling livestock in commerce on a commission basis; and
 - (c) Registered with the Secretary of Agriculture as a market agency to sell livestock in commerce on a commission basis.
- (3) Respondent Keith Robertson is an individual whose business mailing address is of P. O. Box 471, Bourbon, Missouri 65441.
- (4) At all times material herein, Respondent Keith Robertson was:
 - (a) President of Respondent Farmington Livestock;
 - (b) One of two members of Respondent Farmington Livestock;
 - (c) Owner of 50% of Respondent Farmington Livestock;
 - (d) Registered Agent of Respondent Farmington Livestock;
 - (e) Responsible for the direction, management and control of Respondent Farmington Livestock;
 - (f) Engaged in the business of conducting and operating Respondent Farmington Livestock, a stockyard posted under and subject to the provisions of the Act; and

(g) Engaged in the business as a market agency selling livestock in commerce on a commission basis.

(5) Respondent Charlene Robertson is an individual whose business mailing address is of P. O. Box 471, Bourbon, Missouri 65441.

(6) At all times material herein, Respondent Charlene Robertson was:

(a) Vice President of Respondent Farmington Livestock;

(b) One of two members of Respondent Farmington Livestock;

(c) Owner of 50% of Respondent Farmington Livestock;

(d) Responsible for the direction, management and control of Respondent Farmington Livestock;

(e) Engaged in the business of conducting and operating Respondent Farmington Livestock, a stockyard posted under and subject to the provisions of the Act; and

(f) Engaged in the business as a market agency selling livestock in commerce on a commission basis.

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 Farmington Livestock, LLC, Keith Robertson, and Charlene Robertson, their agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from failing to properly maintain and use their custodial account.

In accordance with section 312(b) of the Act (7 U.S.C. §213(b)), the respondents are further assessed, jointly and severally, a civil penalty of sixteen thousand and five hundred dollars (\$16,500.00).

This Order shall have the same force and effect as if entered after full hearing. The provisions of this order shall become effective on the sixth day after service of this consent decision and order on the respondent.

Copies of this decision shall be served upon the parties.

Respondent Farmington Livestock, LLC

By




KEITH ROBERTSON, President



KEITH ROBERTSON
Respondent




CHARLENE ROBERTSON
Respondent



DARLENE M. BOLINGER
Attorney for Complainant

Done at Washington, D.C.

this 22nd day of April, 2013



Administrative Law Judge