

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)
) P&S Docket No. 13-0240
)
)
) Gary Wayne Tuttle,)
)
) Respondent) Consent Decision and Order

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 Gary Wayne Tuttle (hereinafter, respondent) willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. §§ 201.1 et seq.). 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).

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 decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1.(a) Respondent Gary Wayne Tuttle is an individual with a business mailing address of 3733 McConnell Road, Greensboro, North Carolina 27405.

- (b) 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) Registered with the Secretary of Agriculture as a dealer to buy and sell
livestock in commerce.

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 Gary Wayne Tuttle, his agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from failing to pay the full amount of the purchase price for livestock within the time period required by sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b).

As of June 20, 2013, respondent owes Carolina Stockyards Co., of Siler City, North Carolina, \$15,780.00, for livestock purchases. Respondent shall pay this balance in full in accordance with the terms and conditions of the payment plan between Carolina Stockyards and respondent dated June 21, 2013 (payment plan), a copy of which is attached hereto as Exhibit A. Respondent shall obtain a receipt from Carolina Stockyards Co. each time that he makes a payment pursuant to said payment plan and shall send a copy of the receipt to the Packers and Stockyards Program, Attention to Gale Mason, at fax number (202) 690-3207. The receipt shall include the docket number of this proceeding, P&S Docket No. 13-0240.

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 five thousand dollars (\$5,000.00), provided, however, that payment of this civil penalty shall be held in abeyance for the pendency of the payment plan in Exhibit A so long as respondent fully complies with the requirements of the Packers and Stockyards Act (7 U.S.C. §§ 181 et seq.), the regulations promulgated thereunder (9 C.F.R. §§ 201.1 et seq.), and the terms and conditions of this consent decision and order, including the payment plan attached as Exhibit A.

If respondent commits no violations of the Act, the regulations promulgated thereunder, and the terms and conditions of this consent decision and order, including the attached payment plan, during the pendency of said plan, the civil penalty of five thousand dollars (\$5,000.00) that is held in abeyance during the pendency of the payment plan shall be terminated when the balance owed to Carolina Stockyards Co. is paid in full. If, however, after notice and opportunity for hearing on the record, it is determined that respondent has committed any violation of the Act and the regulations promulgated thereunder during the pendency of the attached payment plan, or that respondent has failed to make full and timely payment to Carolina Stockyards Co. in accordance with the terms and conditions of the payment plan during the pendency of said plan, respondent shall become liable for the full amount of the five thousand dollar (\$5,000.00) civil penalty.

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.


Gary Wayne Tuttle
Respondent


Thomas N. Bolick
Attorney for Complainant

Done at Washington, D.C.

this 6th day of August, 2013


Administrative Law Judge

EXHIBIT

A



CAROLINA STOCKYARD COMPANY

Docket # 13-0240
ATTN: Thomas N. Bolack

PHONE (919) 742-5665

P. O. BOX 345

SILER CITY, N. C. 27344

LIVESTOCK AUCTION SALES
DEALERS IN LIVESTOCK HANDLING & FEEDING EQUIPMENT

June 21, 2013

To Whom It May Concern:

Carolina Stockyard Company agrees to accept payments in the amount of \$500.00, monthly beginning August 2013 on the account of Gary Tuttle, these payments must be made by the last day of each month. The full amount of \$15,780.00 is due in full 32 months from August 31, 2013.


ROBERT R. CRABB, JR. PRESIDENT


GARY TUTTLE - BUYER


JENNIFER B. THOMAS - WITNESS