

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P & S Docket No. 13-0257
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)
Justin Turner,)
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)
Respondent) Consent Decision

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 Respondent Justin Turner willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (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).

Respondent Justin Turner 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

1. Justin Turner is an individual whose business mailing address is 230 Pipkin Road, Arabi, GA 31712.
2. Respondent Justin Turner is, and at all times material to the Complaint was:
 - (a) Engaged in the business of a market agency buying livestock in commerce on a commission basis; and
 - (b) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce for his own account or for the account of others.

Conclusion

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

1. Marking up livestock prices without authorization and collecting undisclosed profits based on the marked up prices beyond authorized commissions;
2. Otherwise engaging in any act, practice, or course of business for the purpose of obtaining money from the purchasers of livestock by false or deceptive pretenses, or which operates or would operate as a fraud or deceit upon any person in connection with the purchase or sale of livestock;
3. Generating or causing to be generated false or misleading records in connection with his activities subject to the Act, including, but not limited to:
 - (a) Purchase invoices and accounts of sale that listed livestock as being

purchased or consigned under false names;

(b) Purchase invoices and accounts of sale that falsely represented that livestock had been resold at the market where the livestock had been purchased earlier the same day; and

(c) Purchase invoices that listed purchase prices for livestock that were higher than the actual purchase prices;

4. Failing to transmit or deliver to the purchaser of livestock a true written account of the purchase in accordance with section 201.44 of the Regulations (9 C.F.R. § 201.44);

5. Failing to otherwise operate in compliance with section 201.44 of the Regulations (9 C.F.R. § 201.44);

6. Making, issuing, or circulating any false or misleading record concerning the prices or sale of livestock; and

7. Failing to otherwise operate in compliance with section 201.53 of the Regulations (9 C.F.R. § 201.53).

Respondent Justin Turner shall keep and maintain accounts, records, and memoranda, which fully and correctly disclose the true nature of all transactions involved in his business subject to the Act as required by section 401 of the Act (7 U.S.C. § 221), including, but not limited to, purchase invoices and accounts of sale which completely and accurately reflect the true nature of the transactions.

Pursuant to 7 U.S.C. § 204, Respondent Justin Turner is suspended as a registrant under the Act for a period of 7 days to commence on the effective date of this Order.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent Justin Turner is assessed a civil penalty in the amount of Eighteen Thousand Dollars (\$18,000.00).

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 Respondent Justin Turner.

Copies of this Consent Decision and Order shall be served upon the parties.

Done at Washington, D.C.

this 27th day of August, 2013



Administrative Law Judge



Justin Turner
Respondent



Herbert W. Benson
Attorney for Respondent



Leah C. Battaglioli
Attorney for Complainant