

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 14-0005

In re: Trenton Dale Saulters d/b/a
Trent Saulters,

Respondent

Default Decision and Order

Preliminary Statement

This disciplinary 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 on October 18, 2013, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (Complainant), alleging that Respondent Trenton Dale Saulters, doing business as Trent Saulters (Respondent), willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.) (Regulations).

On October 21, 2013, a copy of the Complaint was sent to Respondent by certified mail, and was served on Respondent on October 24, 2013. Complainant's attorney also sent a letter dated October 30, 2013, and a proposed consent decision to Respondent by certified mail. Respondent was informed in the letter that he could file an answer to the Complaint and request a hearing or that he could dispose of the matter by signing the proposed consent decision. The proposed consent decision ordered Respondent to cease and desist from the violations of the Act and the Regulations alleged in the Complaint. The proposed consent decision also prohibited Respondent from registering to engage in business subject to the Act for a period of 18 weeks

and assessed a civil penalty in the amount of Four Thousand Dollars (\$4,000.00). The letter and proposed consent decision were served on Respondent on November 6, 2013.

Respondent failed to file an answer within the time period prescribed by the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.136) (Rules of Practice), and the following Findings of Fact, Conclusions of Law, and Order will be entered pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Trenton Dale Saulters, doing business as Trent Saulters (Respondent), is an individual whose mailing address is in the State of Texas. The address will not be stated in this Default Decision and Order, but was previously provided to the Hearing Clerk's Office, United States Department of Agriculture.

2. At all times material herein, Respondent was:

- (a) Engaged in the business of a dealer buying and selling livestock in commerce for his own account or for the account of others;
- (b) Not 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;
and
- (c) Operating subject to the Act and the Regulations within the jurisdiction of the Secretary.

3. In a Notice of Default letter dated March 23, 2011, and personally served on Respondent by a representative of the Packers and Stockyards Program on March 28, 2011, Respondent was informed that the Packers and Stockyards Program had information indicating that Respondent was buying and selling livestock in commerce. Respondent was further informed that because his operations were in commerce, he was subject to the Act and the Regulations and that he must complete an application for registration and obtain a bond or bond equivalent of at least Ten Thousand Dollars (\$10,000.00). Respondent was also informed that if he continued to operate subject to the Act and the Regulations without registering and without obtaining a bond or bond equivalent that a civil or administrative complaint may be filed against him and that he may be subject to civil penalties.

4. Notwithstanding the notice referenced above, Respondent engaged in the business of a dealer buying and selling livestock in commerce for his own account or for the account of others without filing and maintaining an adequate bond or bond equivalent as required by the Act and the Regulations.

5. Respondent, commencing on or about June 27, 2011, and continuing through August 3, 2011, in approximately 13 transactions on 10 separate days, engaged in the business of a dealer, by purchasing approximately 347 head of livestock totaling approximately \$168,295.75, and selling approximately 34 head of livestock for a net amount of approximately \$26,958.89, without filing and maintaining an adequate bond or bond equivalent. Respondent purchased the livestock from Hubbard Livestock Market, LLC, Hubbard Texas; Waco Livestock Auction, LLC doing business as Waco Stockyards, Waco, Texas; Dublin Livestock Auction, LLC, Dublin, Texas; Johnson County Cattle Auction, LLP, Cleburne, Texas; Emory Livestock Auction, Inc., Emory, Texas; and Gillespie Livestock Company, Inc., Fredericksburg, Texas, all posted

stockyards. Respondent sold the livestock at White's Equine Sale & Services d/b/a Welch Livestock Auction, Welch, Oklahoma, also a posted stockyard.

6. Respondent, in connection with his operations subject to the Act, on or about the dates and in the transactions set forth in Appendix A to the Complaint, which is incorporated herein by reference, issued checks in payment for livestock purchases, which checks were returned unpaid by the bank upon which they were drawn because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which the checks were drawn to pay the checks when presented.

7. Respondent, in connection with his operations subject to the Act, in the transactions set forth in Appendix A to the Complaint and incorporated herein by reference, and in the additional transactions set forth in Appendix B to the Complaint, which is incorporated herein by reference, purchased livestock and failed to pay, when due, the full purchase price of such livestock. Respondent paid for the livestock between approximately 9 days and 306 days late.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.

2. Respondent willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)), and sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§ 201.29, 201.30) by operating without an adequate bond or bond equivalent.

3. Respondent willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b) by issuing insufficient funds checks and by failing to pay, when due, for livestock purchases.

Order

1. Respondent Trenton Dale Saulters, doing business as Trent Saulters, 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:

a. Engaging in business in any capacity for which bonding is required under the Act and the Regulations, without filing and maintaining an adequate bond or its equivalent, as required by the Act and the Regulations, and without first becoming properly registered under the Act.

b. Issuing checks in purported payment of livestock purchases without having and maintaining sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented; and

c. Failing to pay, when due, the full purchase price of livestock.

2. Respondent is prohibited from registering to engage in business subject to the Act for a period of eighteen (18) weeks to commence on the effective date of this Order. After the expiration of this eighteen (18) week time period, Respondent may submit an application for registration to the Packers and Stockyards Program along with the required bond or bond equivalent. Pursuant to section 303 of the Act (7 U.S.C. § 203), Respondent is prohibited from engaging in business subject to the Act in any capacity for which registration is required under the Act without being registered with the Packers and Stockyards Program.

3. Respondent is assessed a civil penalty in the amount of Four Thousand Dollars (\$4,000.00).

4. This Decision and Order shall become final and effective without further proceedings thirty-five (35) days after service on Respondent, unless appealed to the Judicial Officer by a

party to the proceeding within thirty (30) days after service as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139, 1.145).

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

January 8, 2014



Peter M. Davenport
Chief Administrative Law Judge