

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:

James Steven Kemp,

Respondent

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P&S Docket No. 13-0320

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, James Steven Kemp (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.

I.

(a) James Steven Kemp, referred to herein as the respondent, is an individual with a mailing address in the State of Tennessee. In order to protect the privacy of personal privacy of the individual respondent, his home address was provided to the Hearing Clerk of the United States

Department of Agriculture (USDA) for purposes of effectuating service of process.

(b) The respondent at all times material herein was:

(1) Engaged in the business of buying and selling livestock in commerce for his own account; and

(2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce, and as a market agency to buy livestock in commerce on a commission basis.

II.

Conclusions

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

III.

Order

Respondent, 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).

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). Respondent shall send a certified check or money order for one hundred and twenty-five dollars (\$125.00), payable to the Treasurer of the United States, to the U.S. Department of Agriculture, Room 2319 South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250-1400,

along with this signed consent decision and order. The certified check or money order should include the docket number of this proceeding, P&S Docket No. 13-0320.

The remaining four thousand three hundred and seventy five dollars (\$4,375.00) shall be paid in thirty-five (35) monthly installments of one hundred and twenty-five dollars (\$125.00) each. The first installment shall be due on or before April 1, 2014, and the remaining thirty-four (34) installments shall be due on or before the first day of each month thereafter until the civil penalty is paid in full. Each monthly installment shall be paid by a business check, certified check or money order made payable to the Treasurer of the United States and shall be mailed to USDA GIPSA, P.O. Box 790335, St. Louis, Missouri 63179-0335. Each check or money order should include the docket number of this proceeding.

The provisions of this order shall become effective on the sixth day after service of this consent decision and order on respondent.

Copies of this decision shall be served upon the parties.



James Steven Kemp
Respondent



Margaret A. Burns Rath
Attorney for Complainant

Done at Washington, D.C.

this 5 day of March, 2014



Jill S. Clifton
Administrative Law Judge

Margaret Burns Rath
Attorney for Complainant
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United States Department of Agriculture
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