

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P&S Docket No. D-14-0029
)
Hughey P. Weyandt, III,)
)
)
)
)
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), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201 *et seq.*), hereinafter referred to as the “regulations” 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 the Respondents willfully violated the Act and the regulations promulgated thereunder. The parties have now agreed to entry of this Decision, without hearing or further procedure, pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (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.

Findings of Fact

- (a) Respondent is an individual whose mailing address is 645 Racers Road, Claysburg, PA 16625.
- (b) Respondent is and all times material herein was:
 - (1) Doing business as Morrison's Cove Livestock Auction;
 - (2) 100% owner and responsible for the day to day direction, operation, management and control of Hughey P. Weyandt, III dba Morrison's Cove Livestock Auction;
 - (3) Engaged in the business of a market agency and dealer; and
 - (4) Registered with the Secretary of Agriculture as a market agency and a dealer.

Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this Consent Decision, this Consent Decision will be entered.

Order

Respondent and respondent's officers, directors, agents and employees, successor and assigns, directly or through any corporate or other device, in connection with Respondent's activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Failing to deposit in the custodial account for shippers' proceeds, within the time prescribed by section 201.42 (9 C.F.R. 201.42) an amount equal to the proceeds receivables from the purchase by respondent and others of livestock consigned for sale on a commission basis.

2. Failing to otherwise properly maintain and use the custodial account for shippers' proceeds in conformity with the provisions of section 201.42 of the regulations (9 C.F.R. 201.42).

3. Failing to pay, when due, the full purchase price of such livestock purchased in commerce as prescribed in section 409 of the Act.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), the respondent is assessed a civil penalty in the amount of twenty-five thousand dollars (\$25,000.00). Eight thousand dollars (\$8,000.00) shall be held in abeyance for a period of one year. The remaining seventeen thousand dollars (\$17,000.00) shall be paid as follows: (a) five thousand dollars (\$5,000.00) of the civil penalty shall be paid within ten days of the

effective date of this Order; and (b) the remaining twelve thousand dollars (\$12,000.00) of the civil penalty shall be paid in twelve equal monthly installments on or before the fifth day of each month beginning in April 2014 and ending in April 2015.

The civil penalty payment instrument (certified check, cashier's check, or money order), should be made payable to "Department of the Treasury" and sent to USDA-GIPSA, P.O. Box 790335, St. Louis, Missouri 63179-0335. The memo section of the civil penalty payment instrument should indicate the docket number of this proceeding: P&S Docket No. 14-0029. Payment should be mailed so as to reach USDA-GIPSA by the fifth day of the month.

The return of any check, dishonor of any instrument of payment in the amount specified, or the failure to make any payments as specified herein, will result in the full remaining balance becoming immediately due and payable.

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.



HUGHEY P. WEYANDT, III
Respondent



DARLENE M. BOLINGER
Attorney for Complainant

Issued in Washington D.C.

this 13 day of MARCH, 2014

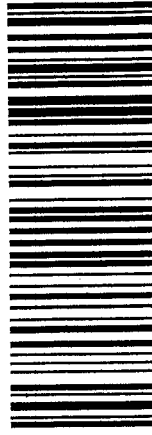


JANICE K. BULLARD
ADMINISTRATIVE LAW JUDGE

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