

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P&S Docket No. D-13-0317
)
Michael Allen Hatcher,)
)
Respondent) Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 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 Michael Allen Hatcher willfully violated the Act. 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

Michael Allen Hatcher, referred to herein as the respondent, is an individual whose business mailing address is P.O. Box 517, 307 Holmes Bend Road, Columbia, Kentucky 42728.

The respondent is, and at all times material herein was:

- (1) Engaged in the business of a dealer, buying and selling livestock in commerce for his own account;
- (2) Engaged in the business of a market agency buying livestock in commerce on a commission basis; and
- (3) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account as a market agency to buy livestock in commerce on a commission basis.

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

Michael Allen Hatcher and his agents and/or employees shall cease and desist from:

- (1) Failing to pay, when due, the full purchase price of livestock, and
- (2) 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.

Furthermore, the respondent is assessed a civil penalty in the amount of seven thousand six hundred fifty dollars (\$7,650.00).

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 the respondent.

Copies of this decision shall be served upon the parties.

[Redacted]

Michael Allen Hatcher

Respondent

[Redacted]

Elmer J. George
Attorney for Respondent

[Redacted]

Susan Golabek
Attorney for Complainant

Done at Washington, D.C., this
11 day of April, 2014

[Redacted]

Administrative Law Judge