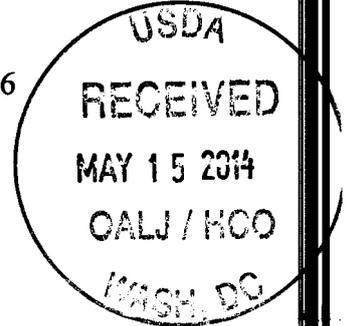


UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P&S Docket No. D-14-0026  
)  
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) Engaged in the business of a dealer to buy and sell livestock in commerce and as a market agency buying on commission; and
- (c) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency buying on commission.

#### 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. Engaging in or using any unfair or deceptive practice or device in connection with receiving, marketing, buying, or selling on a commission basis or otherwise handling of livestock.

2. Failing to keep and maintain records which fully and correctly disclosed all the transactions involved in his business as a market agency, such as, all purchase and sale invoices, balance sheets, income statements, monthly reconciliations and documents necessary to trace payments made for livestock purchases.

Respondent, in accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), is assessed a civil penalty in the amount of seventeen thousand dollars (\$17,000.00). One thousand dollars (\$1,000.00) is immediately due and payable. The remaining sixteen thousand dollars (\$16,000) shall be paid in monthly installments. Beginning on June 5, 2014 and ending May 5, 2015, respondent shall pay five hundred dollars (\$500.00) per month. Beginning on June 5, 2015, the remaining balance shall be paid in monthly installments of one thousand dollars (\$1,000.00) until the civil penalty is paid in full. Each monthly installment shall be paid by a 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 certified check or money order shall include the docket number of this proceeding, P&S Docket No. 14-0026.

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]

HUGHEY P. WEYANDT, III  
Respondent

[REDACTED]

DARLENE M. BOLINGER  
Attorney for Complainant

Issued in Washington D.C.

this 14<sup>th</sup> day of May, 2014

[REDACTED]

ADMINISTRATIVE LAW JUDGE

JANICE C. BULLARD