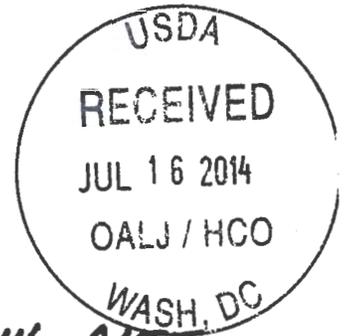


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P & S Docket No. 14-0155
)
David Shaw)
)
)
) Decision Without Hearing
Respondent) By Reason of Consent

This 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 by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondent willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*) (Regulations). This consent decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138) (Rules of Practice).

The Respondent admits the jurisdictional allegations in paragraph I-VI 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 consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

- a) Respondent David Shaw is an individual whose mailing address is in the State of Texas. In order to protect the personal privacy of the Respondent, Complainant is not providing his address in this complaint. Complainant has provided the address to the Hearing Clerk so that service can be effected.
- b) Respondent 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. Not registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.
 - 3. Operating subject to the Act and the Regulations within the jurisdiction of the Secretary.

Conclusion

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

Order

Respondent, 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:

- (1) Engaging in operations subject to the Act without being properly registered with the Secretary of Agriculture and without first obtaining the requisite bond or bond equivalent;

- (2) Issuing checks in payment for livestock without having and maintaining sufficient funds on deposit and available in the bank account upon which they are drawn to pay such checks when presented;
- (3) Failing to pay, when due, the full purchase of livestock;
- (4) Failing to pay the full purchase price of livestock; and
- (5) Failing to maintain adequate records.

Respondent is prohibited from engaging in business subject to the Act for a period of three hundred (300) days, and continuing thereafter until the respondent demonstrates to the Packers and Stockyards Program that he is in full compliance with the Act, the Regulations, the Understanding Regarding Suspension and Civil Penalty Terms (“Understanding”) accompanying this order, and this order.

Respondent is assessed a civil penalty in the amount of Thirty Three Thousand Dollars (\$33,000.00), which will be held in abeyance, provided that respondent complies with the cease and desist provisions (1)-(5) set forth above and the prohibition from engaging in business subject to the act, as set forth in this Consent Decision and the terms of the Understanding entered between the parties.

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective upon issuance (7 C.F.R. § 1.138).

Copies of this decision and order shall be served upon the parties.

Done at Washington, D.C.
this 16th day of July, 2014


Administrative Law Judge



7-8-14

David Shaw
Respondent



7/11/14

Lisa Jabaily
Attorney for Complainant