

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)
Barrow Land and Livestock, LLC..) P & S Docket No. 14-0159
Linda K. Barrow.) P & S Docket No. 14-0160
Dean Barrow.) P & S Docket No. 14-0161
and) P & S Docket No. 14-0162
Justin Barrow.)
Respondents.) 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 the Respondents Barrow Land and Livestock, LLC, Linda K. Barrow, Dean Barrow and Justin Barrow (hereinafter, Respondents) willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (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 Respondents admit 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

- a) Barrow Land and Livestock, LLC (Respondent Barrow Land) is a limited liability corporation organized and existing under the laws of the State of Utah, whose mailing address is 6797 W 900 S., Ogden, UT 84404.
- b) Respondent Linda Barrow is an individual whose home address is 6797 W 900 S., Ogden, UT 84404.
- c) Respondent Dean Barrow is an individual whose home address is 6797 W 900 S., Ogden, UT 84404.
- d) Respondent Justin Barrow is an individual whose home address is 6797 W 900 S., Ogden, UT 84404.
- e) Respondent Barrow Land, under the direction, management, and control of Respondents Linda K. Barrow, Dean Barrow and Justin Barrow, at all times material herein, was:
- (1) Engaged in the business of a livestock dealer buying or selling livestock in commerce and as a market agency selling livestock in commerce on a commission basis; and
 - (2) Registered with the Secretary of Agriculture as a dealer to buy or sell livestock in commerce and as a market agency to sell livestock in commerce on a commission basis.
- f) Respondent Linda K. Barrow at all times material herein was:
- (1) Owner of 100% of Respondent Barrow Land;
 - (2) Registered agent for Respondent Barrow Land;

(3) Engaged in the business of a livestock dealer buying or selling livestock in commerce and as a market agency selling livestock in commerce on a commission basis; and

(4) Responsible, along with Respondents Dean Barrow and Justin Barrow, for the direction, management, and control of Respondent Barrow Land.

g) Respondent Dean Barrow at all times material herein was:

(1) Engaged in the business of a livestock dealer buying or selling livestock in commerce and as a market agency selling livestock in commerce on a commission basis; and

(2) Responsible, along with Respondents Linda K. Barrow and Justin Barrow, for the direction, management, and control of Respondent Barrow Land.

h) Respondent Justin Barrow at all times material herein was:

(1) Engaged in the business of a livestock dealer buying or selling livestock in commerce and as a market agency selling livestock in commerce on a commission basis; and

(2) Responsible, along with Respondents Linda K. Barrow and Dean Barrow, for the direction, management, and control of Respondent Barrow Land.

Conclusions

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

Order

1) In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), the Respondents are hereby assessed a civil penalty in the amount of sixteen thousand, five hundred dollars (\$16,500.00), which shall be held in abeyance for a term of five (5) years, provided that the Respondents, their agents and employees, directly or through any corporate or other device, cease

and desists from any activity subject to the Packard and Stockyards Act for a period of five (5) years. After the five (5) year term that such penalty amount is held in abeyance, if the Respondents have maintained compliance with the terms of this paragraph, then the total penalty amount shall be reduced to zero dollars (\$0.00). If prior to the five (5) year term that such penalty amount is held in abeyance Respondents resume any activities subject to the Act, the sixteen thousand, five hundred dollar (\$16,500.00) civil penalty shall become due, immediately.

2) The Respondents, their agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from failing to maintain accounts, records and memoranda which fully and correctly disclose all transactions involved in his business as required by section 401 of the Act (7 U.S.C. § 221), and specified in section 203.4 of the Statements of General Policy under the Packers and Stockyards Act (9 C.F.R. § 203.4). The Respondents, their agents and employees, directly or indirectly through any corporate or other device, shall maintain accounts, records and memoranda which fully and correctly disclose all transactions including, but not limited to:

- purchase invoices from markets and from country purchases;
- load make-up sheets;
- scale tickets; and
- sales invoices;

The above listed records must each be retained for a minimum period of two (2) full calendar years.

3) Respondents, their agents and employees, directly or through any corporate or other device, shall cease and desist from a) failing to maintain sufficient funds on deposit and available

in an account upon which checks are drawn to pay such checks when presented for livestock purchases, and b) purchasing livestock except under the condition that Respondents must deliver to the seller or his duly authorized representative the full amount of the purchase price by payment in United States currency before the close of the next business day following the purchase of said livestock and transfer of possession, as required by sections 312(a) and 409 of the Act (7 U.S.C. §§ 212 and 228b).

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.


Barrow Land and Livestock, LLC
Respondent


Linda K. Barrow
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Linda K. Barrow
Respondent


Justin Barrow
Respondent


Margaret Burn Rath
Attorney for the Complainant

Done at Washington, D.C.

this 16 day of Oct, 2014



Administrative Law Judge

Jill S. Clifton