

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P&S Docket No. 15-0031
Robert Snow)	
d/b/a Snow Cattle Co.,)	
)	
Respondent)	Consent Decision and Order

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. § 201.1 *et seq.*) (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 respondent willfully violated the Act and the regulations. Complainant and the respondent 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 purposes only, to the entry of this Decision.

Findings of Fact

(a) Robert Snow d/b/a Snow Cattle Company, referred to herein as the respondent, is an individual, whose residential mailing address will not be provided to protect his privacy.

(b) The respondent is, and at all times material herein was engaged in the business of a dealer buying and selling livestock in commerce and a market agency buying livestock on a commission basis in commerce.

(c) Robert Snow is the sole owner of Robert Snow d/b/a Snow Cattle Company and is responsible for the direction, management and control of Robert Snow d/b/a Snow Cattle Company.

(d) The respondent at all times material to this complaint was registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce; and as a market agency buying livestock on a commission basis in commerce.

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, Robert Snow d/b/a Snow Cattle Company, his agents, employees, successors and assigns directly or through any device, in connection with respondent's activities subject to the Packers and Stockyards Act, shall cease and desist from:

(1) Engaging in the business of a market agency buying and/or selling livestock in commerce on a commission basis or in the business of a dealer buying and selling livestock in commerce without maintaining a bond or bond equivalent;

(2) Purchasing livestock in commerce, and failing to pay, when due, the full purchase price of such livestock;

(3) Purchasing livestock in commerce, and failing to pay the full purchase price of such livestock; and

(4) Issuing checks in payment for livestock purchases which checks may be returned unpaid by the bank upon which they were drawn because respondent does not have or does not maintain sufficient funds on deposit and available in the accounts upon which such checks are drawn to pay such checks when presented; and

(5) Failing to keep and maintain records which fully and correctly disclosed all the transactions involved in his business as a dealer as required by section 401 of the Act (7 U.S.C. §221). Necessary documentation shall include purchase invoices, bank statements, and all other documents necessary to permit the tracing of all payments made and received for livestock purchases and sales.

In accordance with section 312(b) of the Act (7 U.S.C. §213(b)), respondent, Robert Snow d/b/a Snow Cattle Company is assessed a civil penalty in the amount of thirty-one thousand dollars (\$31,000.00). The civil penalty of thirty-one thousand dollars (\$31,000) shall be paid as follows: two thousand dollars (\$2,000.00) shall be due and payable immediately; five thousand dollars (\$5,000.00) shall be due and payable on or before May 15, 2015. The remaining balance shall be paid in equal installments of two thousand dollars (\$2,000.00) on or before the tenth of each consecutive month following May 15, 2015, for a period of twelve consecutive months. If Respondent fails to comply with any of the terms of this consent decision, the full civil penalty or any remaining balance of the civil penalty will become immediately due and payable. Any future violations of the Act will result in the full civil penalty becoming or any remaining balance becoming instantly due and payable. This Consent Decision, however, will not limit the civil penalties for any violations of the Act not addressed in the allegations of the complaint in this matter. Respondent expressly waives any further appearance or procedure with respect to action in this case.

Respondent is prohibited from being registered and from engaging in any activities for which registration is required under the Act for a period of thirty (30) days and thereafter until such time as Respondent demonstrates to the satisfaction of GIPSA that he has an adequate bond or bond equivalent and that he is in full compliance with the Act. Provided that Respondent demonstrates to the satisfaction of GIPSA that he has an adequate bond or bond equivalent and that he is in full compliance with the Act, after expiration of the initial thirty (30) day period, upon application to GIPSA, a supplemental order may be issued terminating the prohibition on the Respondent. At such time and thereafter, any application for registration that respondent may file with GIPSA will be processed in accordance with standard GIPSA procedures.

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]

ROBERT SNOW D/B/A
SNOW CATTLE COMPANY
Respondent

[Redacted]

DARLENE M. BOLINGER
Attorney for Complainant

Issued in Washington D.C.

this 6 day of May, 2015

[Redacted] for

JANICE K. BULLARD
ADMINISTRATIVE LAW JUDGE