



Respondents admit the jurisdictional allegations in paragraph I of the Complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, 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

1. Johnson County Cattle Auction, LLP, d/b/a Johnson County Cattle Auction (Respondent Johnson) is a limited liability partnership organized and existing under the laws of the State of Texas. Respondent Johnson registered with the Texas Secretary of State as a limited liability partnership on September 29, 2010. Its registration as a limited liability partnership expired on September 29, 2011 due to its failure to file the required annual renewal. Respondent Johnson re-registered as a limited liability partnership on June 3, 2013, but its registration expired again on June 3, 2014 due to its failure to file the required annual renewal. Respondent Johnson re-registered as a limited liability partnership on August 28, 2014 and its registration is currently active. Respondent Johnson's business mailing address is PO Box 2573, Cleburne, Texas, 76033-2573.

2. Currently, Respondent Johnson is:

(a) The successor-in-interest to the general partnership of R.A. Cantrell, Patsy Cantrell, Leah Davis, and George Davis, Jr., jointly f/d/b/a Johnson County Cattle Auction;

(b) Engaged in the business of conducting and operating Johnson County Cattle Auction, a stockyard posted under and subject to the provisions of the Act;

- (c) Engaged in the business of a market agency selling livestock in commerce on a commission basis; and
  - (d) Registered with the Secretary of Agriculture as a market agency selling livestock in commerce on a commission basis.
3. R.A. Cantrell, a/k/a Bo Cantrell, is an individual whose current business mailing address is 3809 Southwest Blvd., Fort Worth, Texas 76116.
4. At all times material to the Complaint, Respondent R.A. Cantrell was:
- (a) A partner, with Patsy Cantrell, Leah Davis, and George Davis, Jr., in a general partnership doing business as Johnson County Cattle Auction;
  - (b) Responsible, with Patsy Cantrell, Leah Davis, and George Davis, Jr., for conducting and operating Johnson County Cattle Auction, a stockyard posted under and subject to the provisions of the Act; and
  - (c) Engaged in the business of a market agency selling livestock in commerce on a commission basis.
5. Patsy Cantrell is an individual whose current business mailing address is 3809 Southwest Blvd., Fort Worth, Texas 76116.
6. At all times material to the Complaint, Respondent Patsy Cantrell was:
- (a) A partner, with R.A. Cantrell, Leah Davis, and George Davis, Jr., in a general partnership doing business as Johnson County Cattle Auction;
  - (b) Responsible, with R.A. Cantrell, Leah Davis, and George Davis, Jr., for conducting and operating Johnson County Cattle Auction, a stockyard posted under and subject to the provisions of the Act; and

(c) Engaged in the business of a market agency selling livestock in commerce on a commission basis.

7. Leah Davis is an individual whose business mailing address is PO Box 2573, Cleburne, Texas, 76033-2573.

8. At all times material to the Complaint, Respondent Leah Davis was:

(a) A partner, with R.A. Cantrell, Patsy Cantrell, and George Davis, Jr., in a general partnership doing business as Johnson County Cattle Auction;

(b) Responsible, with R.A. Cantrell, Patsy Cantrell, and George Davis, Jr., for conducting and operating Johnson County Cattle Auction, a stockyard posted under and subject to the provisions of the Act; and

(c) Engaged in the business of a market agency selling livestock in commerce on a commission basis.

9. George Davis, Jr. is an individual whose business mailing address is PO Box 2573, Cleburne, Texas, 76033-2573.

10. At all times material to the Complaint, Respondent George Davis, Jr. was:

(a) A partner, with R.A. Cantrell, Patsy Cantrell, and Leah Davis, in a general partnership doing business as Johnson County Cattle Auction;

(b) Responsible, with R.A. Cantrell, Patsy Cantrell, and Leah Davis, for conducting and operating Johnson County Cattle Auction, a stockyard posted under and subject to the provisions of the Act; and

(c) Engaged in the business of a market agency selling livestock in commerce on a commission basis.

Conclusion

Respondents 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 Johnson and Respondents R.A. Cantrell, Patsy Cantrell, Leah Davis, and George Davis, Jr., their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from:

1. Failing to deposit in the Custodial Account for Shippers' Proceeds (custodial account) within the times prescribed in section 201.42 of the Regulations (9 C.F.R. § 201.42) amounts equal to the outstanding proceeds receivable from the sale of consigned livestock; and
2. Failing to otherwise properly maintain the custodial account in strict conformity with the Act and section 201.42 of the Regulations (9 C.F.R. § 201.42).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent Johnson and Respondents R.A. Cantrell, Patsy Cantrell, Leah Davis, and George Davis, Jr. are assessed, jointly and severally, a civil penalty in the amount of Thirty Thousand Dollars (\$30,000.00).

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 Consent Decision and Order shall be served upon the parties.

Done at Washington, D.C.

this 28 day of JAN, 2016

  
Jill S. Clifton  
Administrative Law Judge

  
R.A. Cantrell  
Respondent

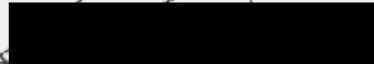
  
Patsy Cantrell  
Respondent

  
George Muckleroy  
Attorney for Respondents  
R.A. Cantrell and Patsy Cantrell

  
Leah Davis  
Respondent

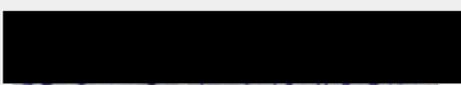
  
George Davis, Jr.  
Respondent

Johnson County Cattle Auction, LLP  
Respondent,

By: 

Title: Limited and General Partner

  
Michael J. Rogers  
Attorney for Respondents  
Leah Davis, George Davis, Jr., and  
Johnson County Cattle Auction, LLP

  
Leah C. Battaglioli  
Attorney for Complainant