

U.S. DEPARTMENT OF AGRICULTURE
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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
 Raymond Frank Christie,)
 a/k/a Ray Christie,) P&S-D Docket No. 18-0020
 d/b/a Christie Livestock,)
)
 Respondent.)

CORRECTED¹ DECISION AND ORDER
WITHOUT HEARING BY REASON OF DEFAULT

Appearances:

Thomas N. Bolick, Esq., with the Office of the General Counsel, United States Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 20250, for the Complainant, Agricultural Marketing Service ("AMS"); and

Pro se Respondent: Raymond Frank Christie, a/k/a Ray Christie, d/b/a Christie Livestock.

Preliminary Statement

This disciplinary 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 (9 C.F.R. §§ 201.1 *et seq.*) ("Regulations"). This proceeding initiated with a complaint filed on March 9, 2018 by the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service ("Complainant" or "AMS"). The Complaint alleges that Raymond Frank Christie, a/k/a Ray Christie, d/b/a Christie Livestock ("Respondent") willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b).

¹ I previously issued a Decision and Order Without Hearing by Reason of Default in this matter on May 22, 2018. However, on August 30, 2018, the decision was vacated and replaced with the instant Corrected Decision and Order Without Hearing by Reason of Default. See Order Reopening Case and Vacating Decision.

The Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (“Rules of Practice”), set forth at 7 C.F.R. §§ 1.130 *et seq.*, apply to adjudication of the instant matter. Pursuant to the Rules of Practice, Respondent was required to file an answer within twenty days after service of the Complaint. 7 C.F.R. § 1.136(a). The Hearing Clerk’s records reflect that Respondent failed to file a timely answer to the Complaint.²

On April 23, 2018, AMS filed with the Hearing Clerk’s Office a Motion for Decision Without Hearing by Reason of Default (“Motion for Default”) and Proposed Decision Without Hearing by Reason of Default (“Proposed Decision”). In its Motion for Default, AMS stated that “[i]n order to deter respondent and others similarly situated from committing violations of this nature in the future, complainant believes that a civil penalty in the amount of thirteen thousand six hundred dollars (\$13,600.00) and a cease and desist order are warranted and appropriate.”³ Respondent has filed no objections to the Motion for

² United States Postal Service records reflect that the Complaint was sent to Respondent via certified mail and delivered on March 17, 2018. Respondent had twenty days from the date of service to file a response. Weekends and federal holidays shall be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following work day. 7 C.F.R. § 1.147(h). In this case, Respondent’s answer was due by April 6, 2018. Respondent has not filed an answer. Failure to file a timely answer or failure to deny or otherwise respond to allegations in the Complaint shall be deemed, for purposes of this proceeding, an admission of the allegations in the Complaint, unless the parties have agreed to a consent decision. 7 C.F.R. § 1.136(c). Other than a consent decision, the Rules of Practice do not provide for exceptions to the regulatory consequences of an untimely filed answer where, as in the present case, no meritorious objections have been filed. 7 C.F.R. § 1.139; *see infra* note 3.

³ Motion for Default at 2. The Act renders it “unlawful for any stockyard owner, market agency, or dealer to engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in connection with . . . the receiving, marketing, buying, or selling on a commission basis or otherwise, . . . of livestock.” 7 U.S.C. § 213(a). The Secretary is authorized to impose a civil penalty of not more than \$11,000.00 for each such violation. 7 U.S.C. § 213(b); *see* 7 C.F.R. § 3.91(b)(6)(iv)(2010) (adjusted civil monetary penalties for violations occurring after May 7, 2010). Here, AMS recommended a \$13,600.00 civil penalty for Respondent’s: (1) failing to make full payment timely to a cattle producer whom Respondent was hired to sell and did sell twenty-eight head of cattle on behalf of, for a net price of \$24,509.51, on February 27, 2014; and (2) failing to pay, when due, the full

Default or Proposed Decision.⁴

Failure to file a timely answer or failure to deny or otherwise respond to allegations in the Complaint shall be deemed, for purposes of this proceeding, an admission of the allegations in the Complaint, unless the parties have agreed to a consent decision. 7 C.F.R. § 1.136(c). Other than a consent decision, the Rules of Practice do not provide for exceptions to the regulatory consequences of an untimely answer where, as in the present case, no meritorious objections have been filed.⁵

As Respondent failed to file an answer within the prescribed time, this Decision and Order is issued without further procedure or hearing pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. (a) Respondent Raymond Frank Christie, a/k/a Ray Christie, d/b/a Christie Livestock, is an individual with a mailing address in [REDACTED]
- (b) Respondent is and at all times material herein was: (1) engaged in the business of a market agency, buying livestock on a commission basis; (2) engaged in the business of a dealer, buying and selling livestock in commerce on his own account; and (3) registered with the Secretary of Agriculture as a market agency to buy livestock on a commission basis in

purchase price of 1,030 head of livestock purchased in seventeen transactions with Humboldt Auction Yard, Inc., during the period January 8, 2014 through April 30, 2014, for a total amount of \$638,112.22. Compl. ¶¶ II(a),(b); Proposed Decision at 2-3.

⁴ United States Postal Service records reflect that the Motion for Default and Proposed Decision were sent to Respondent via certified mail and delivered on April 30, 2018. Respondent had twenty days from the date of service to file objections thereto. 7 C.F.R. § 1.139. Weekends and federal holidays shall not be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following work day. 7 C.F.R. § 1.147(h). In this case, Respondent's objections were due by May 21, 2018. Respondent has not filed any objections.

⁵ 7 C.F.R. § 1.139; *see supra* note 4.

commerce and registered as a dealer to buy and sell livestock in commerce on his own account.

2. (a) On February 25, 2014, Roscoe Littlefield, a cattle producer in [REDACTED] hired Respondent to transport twenty-eight head of cattle to Orland Livestock Commission Yard in Orland, California and sell the cattle on Mr. Littlefield's behalf. On February 27, 2014, Respondent sold the cattle for a net price of \$24,509.51, but he refused to pay Mr. Littlefield. On April 21, 2014, Mr. Littlefield filed a complaint against Respondent with the Grain Inspection, Packers and Stockyards Administration ("GIPSA")⁶, and GIPSA initiated an investigation. Respondent eventually paid Mr. Littlefield in full.
- (b) During the period from January 8, 2014 through April 30, 2014, in seventeen transactions with Humboldt Auction Yard, Inc., in Fortuna, California, Respondent purchased a total of 1,030 head of livestock for a total net purchase price of \$638,112.22 but failed to pay, when due, the full purchase price of the livestock.

Conclusions

1. The Secretary of Agriculture has jurisdiction in this matter.
2. By reason of the facts alleged in paragraphs 1 and 2, Respondent Raymond Frank Christie, a/k/a Ray Christie, d/b/a Christie Livestock, failed to pay, when due, the full amount of livestock purchase prices and therefore willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b).

ORDER

1. Respondent Raymond Frank Christie, a/k/a Ray Christie, d/b/a Christie Livestock, his agents and employees, directly or through any corporate or other device, shall cease and desist from

⁶ Since the completion of the investigation but prior to the filing of the Complaint in this matter, GIPSA had been incorporated into AMS's Fair Trade Practices Program.

failing to pay the full amount of the purchase price for livestock before the close of the next business day following each purchase of livestock, as required by sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b).

2. In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is hereby assessed a civil penalty in the amount of thirteen-thousand and six-hundred dollars (\$13,600.00). Respondent shall send a certified check or money order for thirteen thousand and six-hundred dollars (\$13,600.00), payable to the U.S. Department of Agriculture, to USDA GIPSA, P.O. Box 790335, St. Louis, Missouri 63179-0035 within thirty (30) days from the effective date of this Order. Respondent shall indicate on the certified check or money order that payment is in reference to P&S Docket No. 18-0020.

This Decision and Order shall be final and effective without further proceedings thirty-five (35) days after service unless an appeal to the Judicial Officer is filed with the Hearing Clerk within thirty (30) days after service, as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139 and 1.145).

Copies of this Decision and Order shall be served by the Hearing Clerk upon each of the parties, with courtesy copies provided via email where available.

Done at Washington, D.C.

this 30th day of August, 2018



Jill S. Clifton
Administrative Law Judge
for
Channing D. Strother
Acting Chief Administrative Law Judge

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