

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
)
Isaiah Michael Perry,) P&S Docket No. D-20-J-0023
)
)
Respondent) Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (“Act”), 7 U.S.C. §§ 181 *et seq.*, by a Complaint filed by the Deputy Administrator, Fair Trade Practices Program, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture alleging that Respondent willfully violated the Act and the regulations promulgated thereunder (regulations at 9 C.F.R. §§ 201.1 *et seq.*). This Decision and Order is entered pursuant to the consent decision provision of the rules of practice applicable to this proceeding, 7 C.F.R. § 1.138.

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; waives all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge’s authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waives any

action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by Respondent in connection with this proceeding or any action against any USDA employee in their individual capacity. The parties consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this Decision.

Findings of Fact

- (a) Isaiah Michael Perry (Respondent) is an individual whose current address is in the State of Tennessee. His address will not be stated in the Consent Decision and Order to protect Respondent's privacy, but will be provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service of this Consent Decision and Order.
- (b) At all times material herein, Respondent was:
 - (1) Engaged in the business of a dealer buying and selling livestock in commerce as well as a market agency buying on commission; and
 - (2) Registered with the Secretary of Agriculture as a dealer, as that term is defined and used in the Act and the regulations promulgated thereunder.

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

1. Respondent Isaiah Michael Perry and Respondent's agents, employees, successors and assigns, directly or indirectly or through any corporate or other device, in connection with Respondent's activities subject to the Packers and Stockyards Act, shall cease and desist from:
 - a. Engaging in the business of a market agency buying livestock on commission in commerce without obtaining the necessary registration and bond as required by the Act and the Regulations;
 - b. Purchasing livestock and failing to pay, and failing to pay when due, the full purchase price of such livestock within the time period required by the Act and the regulations promulgated thereunder;
 - c. Purchasing livestock and issuing checks for purported payment of that livestock, without sufficient funds in its bank account to pay for those checks when presented for payment; and

2. Respondent is prohibited from operating in any manner requiring registration or bond under the Act for a period of five years. This five-year prohibition shall begin upon the effective date of this Order. The prohibition period may be reduced from five years to 120 days and a \$32,061 civil penalty, if:
 - a. Respondent tenders proof to the Packers and Stockyards Division establishing that the sellers listed in the Complaint in this case have been paid in full; and

- b. following that submission of proof, Respondent obtains a proper registration and bond under the Act.
- 3. If Respondent meets the terms stated above to reduce the prohibition period to 120 days and is assessed a civil penalty of \$32,061, all \$32,061 will be held in abeyance for one year, provided that the Respondent does not violate this Order. If during the one-year period of abeyance, Respondent complies with all the terms of this Order, the \$32,061 civil penalty is permanently abated, and the case will be closed. If Respondent does violate terms of this Order during the one-year period of abeyance, the 5-year prohibition will be reinstated, and the \$32,061 civil penalty will become due immediately.

This Consent Decision and Order is not to be construed as in any way limiting the authority of the Packers and Stockyards Division to investigate and monitor Respondent's activities that are subject to the Act to assure the Respondent's compliance with the Act and Regulations during the period of prohibition or at any other time as authorized by the Act and Regulations.

This Consent Decision and 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 on the sixth (6th) day after service of this Consent Decision and Order on Respondent.

Copies of this decision shall be served upon the parties forthwith.



Respondent
Isaiah Michael Perry

10-14-2020
Date

BUREN KIDD

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Date: 2020.10.14 08:29:32
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Buren William Kidd
Attorney for Complainant

Date

Done at Washington, D.C.

this 14th day of October, 2020



Channing D. Strother
Chief Administrative Law Judge