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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	
Donald G. Poplin,)	P&S Docket No. 18-0031
)	
and)	
)	
Low Country Livestock Exchange, LLC,)	P&S Docket No. 18-0032
)	
)	
Respondents)	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.) (the Act), by a complaint filed by the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service, U.S. Department of Agriculture, alleging that respondents Low Country Livestock Exchange, LLC, and Donald G. Poplin (respondents) violated the Act and the regulations promulgated pursuant thereto (9 C.F.R. § 201.1 et seq.) (the regulations). This consent decision and order is entered pursuant to section 1.138 (7 C.F.R. § 1.138) of the Rules of Practice Governing Formal Adjudicatory Procedures Instituted by the Secretary under Various Statutes (7 C.F.R. § 1.130 et seq.).

The Respondents admit the jurisdictional allegations set forth 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 and order.

Complainant agrees to the entry of this consent decision and order.

Findings of Fact

1. Low Country Livestock Exchange, LLC (respondent Low Country), is a limited liability Corporation organized under the laws of the State of South Carolina, with its principal place of business located at 1989 Harry Byrd Hwy, Darlington, South Carolina 29352. Its mailing address is 2523 Ross Dye Road, Blackstock, South Carolina 29014.

2. Respondent Low Country, under the direction, management, and control of respondent Donald G. Poplin, is, and at all times material herein, was:

(a) Engaged in the business of, and operating as, a stockyard posted under and subject to the provisions of the Act;

(b) Engaged in the business of a market agency selling livestock in commerce on a commission basis; and

(c) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis.

3. Respondent Donald G. Poplin (respondent Poplin) is an individual whose mailing address is (b) (6)

4. Respondent Poplin is, and at all times material herein, was:

(a) President of respondent Low Country;

(b) Owner of 75% of the stock issued by respondent Low Country;

(c) The registered agent of respondent Low Country;

(d) Responsible for the direction, management, and control of respondent

Low Country; and

(e) Engaged in the business of a market agency selling livestock in commerce on a

commission basis.

Conclusion

Respondents having admitted the jurisdiction facts, and the parties having agreed to the entry of this consent decision, the consent decision and order will be entered.

Order

Respondents Low Country Livestock Exchange, LLC, and Donald G. Poplin, their agents and employees, directly and through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from:

a. failing to properly maintain their Custodial Account for Shippers' Proceeds (custodial account) in strict conformity with the Act and section 201.42(a) of the regulations (9 C.F.R. § 201.42(a)); and

b. using funds received from the sale of consigned livestock for any purpose other than those specifically permitted by section 201.42(d) of the regulations (9 C.F.R. § 201.42(d)).

Pursuant to 7 U.S.C. § 204, respondent Low Country is suspended as a registrant under the Act for a period of seven (7) days and thereafter until its custodial account shortage is proven to have been corrected and respondents are solvent. Respondents' suspension as a registrant will occur during the week of September 3, 2018. Respondents shall not set any special or additional sales the week before the suspension begins or during the week after the suspension ends in order to avoid or nullify the effect of the suspension.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondents are assessed, jointly and severally, a civil penalty in the amount of two thousand dollars (\$2,000.00). Respondents shall send a certified check or money order for two thousand dollars (\$2,000.00),

payable to the U.S. Department of Agriculture, to USDA GIPSA, P. O. Box 790335, St. Louis, Missouri 63179-0335 within seven (7) days from the effective date of this order. Respondents shall indicate on the certified check or money order that payment is in reference to P&S Docket Nos. 18-0031 and 18-0032.

The provisions of this order shall become effective on the sixth day after service of this order on respondents. This consent decision and order shall apply to and resolve all violations of the Packers and Stockyards Act that respondents are alleged to have committed up to and including the effective date of this decision and order.

Copies of this decision and order shall be served on the parties.

Done at Washington, D.C.

this 2d day of August, 2018.

[Redacted Signature]

Assty Chief Administrative Law Judge
Channing D. Strother

Respondent Low Country Livestock Exchange, LLC.

By: [Redacted]

Title: Owner



Thomas N. Bolick
Attorney for Complainant