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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Ronald L. Lemons)	P & S Docket No. 18-0079
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)	
<u>Respondent</u>)	Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181 *et seq.*), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Agricultural Marketing Service, United States Department of Agriculture, alleging that Ronald L. Lemons (Respondent) willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. §§ 201.1 *et seq.*). This consent decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary under Various Statutes (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in the Complaint and specifically admits that the Secretary has jurisdiction in this matter, admits to the remaining allegations as set forth herein as findings of fact and conclusions of law, 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.

Respondent consents and agrees, for the purpose of settling this proceeding to the entry of this decision. Complainant agrees to the entry of this consent decision.

Findings of Fact

- a) Respondent is an individual with a mailing address of (b) (6)
- (b) (6)
- b) At all times material herein, Respondent was:
1. Engaged in the business of a dealer buying and selling livestock in commerce;
 2. Engaged in the business of a market agency buying livestock on a commission basis in commerce; and
 3. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy livestock in commerce on a commission basis.

Conclusion

Respondent, 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, directly or through any corporate or other device, in connection with their operations subject to the Act and regulations, shall cease and desist from failing to comply with the requirements of sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43); specifically, failing to pay the full purchase price of livestock within the time period required by the Act

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of fifteen thousand dollars (\$15,000.00).

Respondent shall send a certified check or money order for fifteen thousand dollars (\$15,000.00), payable to the Treasurer of the United States, and send to USDA GIPSA, P. O. Box 790335, St. Louis, Missouri 63179-0335 within thirty (30) days from the effective date of this order as determined by the issuing Administrative Law Judge.

Respondent shall indicate on a certified check or money order that payment is in reference to P&S Docket No. 18-0079.

Respondent acknowledges that the cease and desist provision set forth in this consent shall remain in effect in perpetuity.

The provisions of this order shall become effective on the sixth day after service of this consent decision and order on respondent.

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

Done at Washington, DC

this 19th day of September 2018

Acting Chief Administrative Law Judge

Channing D. Stotler

Ronald L. Lemons
Respondent

Matthew Scott Weiner
Attorney for Complainant