

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: )  
)  
)  
R & W Farms, LLC, ) P&S Docket Nos. 19-0010, 19-0011  
) and 19-0012  
)  
Wanda Thompson, )  
and )  
Rickey G. Thompson, )  
)  
Respondents ) Consent Decision and Order

REC'D - USDA/OALJ/OHC  
2019 APR 26 AM 9:49

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181 – 229c) (the Act), by a Complaint filed by the Acting Deputy Administrator, Fair Trade Practices Program of the Agricultural Marketing Service (AMS), United States Department of Agriculture, alleging that during the period on or about December 2015 through October 2017, Respondents violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.)(the regulations). Complainant and Respondents have agreed to entry of this Decision, without hearing or further procedure, pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138) (Rules of Practice).

Respondents admit the jurisdictional allegations set forth in 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; waive 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 waive 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 Respondents 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

(1) Respondent R&W Farms (Respondent R&W) is a limited liability company organized and existing under the laws of the state of Louisiana with a principal place of business and mailing address of 103 Sonny Huff Road, Pitkin, Louisiana 70656.

(2) At all times material herein, Respondent R&W was:

(a) Engaged in the business of a dealer buying and selling livestock in commerce;

and

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock and as a market agency to buy on commission.

(3) Wanda Thompson (Respondent W. Thompson) is an individual who, at all times material herein, was:

(a) Manager and 100 percent owner of Respondent R&W;

(b) Responsible for direction, management and control of Respondent R&W;

(c) Engaged in the business of a dealer buying and selling livestock in commerce as well as a market agency buying on commission.

(4) Rickey G. Thompson (also known as Ricky Thompson and Rick Thompson)(Respondent R. Thompson) is an individual who, at all times material herein, was:

(a) Manager and operator of Respondent R&W;

- (b) Responsible for direction, management and control of Respondent R&W;
- (c) Engaged in the business of a dealer buying and selling livestock in commerce as well as a market agency buying on commission.

### CONCLUSIONS OF LAW

Respondents, having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

### ORDER

Respondents, their agents and employees, directly or through any corporate or other device, in connection with its operations subject to the Act, shall cease and desist from:

1. Purchasing livestock in commerce and failing to pay or failing to pay when due, the full purchase price of such livestock as prescribed by sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b) and section 201.43(b) of the regulations (9 C.F.R. § 201.43(b)); and
2. Failing to maintain sufficient funds on deposit and available in the account upon which payment checks are drawn to pay such checks when presented, which is a violation of section 312(a) of the Act (7 U.S.C. §§ 213(a)).

Pursuant to 7 U.S.C. § 204, Respondents, operating individually or through any corporate or other device, are suspended and prohibited from registering under the Act for a period of seven (7) years. Upon application to AMS, Packers and Stockyards Division, a supplemental order may be issued terminating the suspension after four (4) years upon demonstration by Respondents that the unpaid livestock sellers identified in the Complaint have been paid in full.

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

  
Wanda Thompson,  
d/b/a R & W Farms, LLC

  
Rickey G. Thompson,  
d/b/a R & W Farms, LLC

  
Buren W. Kidd  
Attorney for Complainant

BUREN KIDD 

Done at Washington, D.C.  
this 26 day of April, 2019

  
Jill S. Clifton  
Administrative Law Judge