

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Pete Blayne Burkhalter,)
d/b/a 4B Cattle,) PS-D Docket No. 19-J-0120
)
Respondent)

CONSENT DECISION AND ORDER

This proceeding was instituted under the Packers and Stockyards Act of 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act), by a Complaint filed by the Deputy Administrator of the Fair Trade Practices Program, Agriculture Marketing Service, United States Department of Agriculture, alleging that the Respondent willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*) (Regulations). This consent decision and order (Order) is entered pursuant to the consent decision provision of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Pete Blayne Burkhalter, doing business as 4B Cattle (Respondent), admits the jurisdictional allegations in paragraph 1 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, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

1. Pete Blayne Burkhalter, doing business as 4B Cattle is an individual whose business business mailing address is (b) (6) .
2. Respondent is, and at all times material herein was:
 - a) Engaged in the business of buying and selling livestock in commerce for his own account and for the accounts of others; and
 - b) A dealer within the meaning of and subject to the provisions of the Act.

Conclusions of Law

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

1. Pete Blayne Burkhalter d/b/a 4B Cattle, his agents and employees, directly or through any corporate or other device, in connection with his operations subject to the act, shall cease and desist from:
 - a) Engaging in business in any capacity for which registration and bonding are required under the Act and the Regulations without first becoming properly registered under the Act as required by section 201.10(a) of the Regulations (9

C.F.R. § 201.10(a)) and without filing and maintaining an adequate bond or its equivalent as required by section 303 of the Act (7 U.S.C. § 203 and by sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§ 201.29 and 201.30));

- b) Failing to pay, when due, the full purchase price of livestock in accordance with sections 312(a) and 409(a) of the Act (7 U.S.C. §§ 213 and 228b) and section 201.43 of the Regulations (9 C.F.R. § 201.43); and
- c) Failing to maintain sufficient funds on deposit and available in the account upon which payment checks are drawn to pay such checks when presented, as required by sections 312(a) and 409(a) of the Act (7 U.S.C. §§ 213(a) and 228).

2. Respondent is prohibited from registering, individually or otherwise, to engage in business subject to the Act for a period of five (5) years, to commence on the effective date of this Order and shall continue until all obligations of this Order are met; provided, however, that upon application to the Packers and Stockyards Division, Respondent may request a supplemental order be issued terminating the prohibition from registering at any time after two (2) years upon Respondent's demonstration, to the satisfaction of the Packers and Stockyards Division, that all unpaid livestock sellers identified in the complaint underlying this Order have been paid in full, or a written schedule of restitution has been arranged with all unpaid livestock sellers.

This Order shall have the same force and effect as if entered after a full hearing. The provisions of this Order shall become effective upon issuance. Copies of this decision shall be served upon the parties.



~~Pete Blayne Binkhalter~~
Respondent

**Brian
Hill** Digitally signed
by Brian Hill
Date: 2021.06.14
12:32:16 -04'00'

Brian Hill
Attorney for Complainant

Done at Washington, DC

Issued this 14th day of June

CHANNING STROTHER Digitally signed by CHANNING STROTHER
Date: 2021.06.14 16:14:29 -04'00'
Chief Administrative Law Judge

On behalf Jill S. Clifton
Administrative Law Judge