

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/OHC
2020 MAY 5 PM 2:58

In re:)	P&S Docket No. D- 20-J-0008
)	
Darren Roberson d/b/a)	
Rock`n R Cattle Co.,)	
)	
Respondent)	Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §§ 181, *et seq.*), by a complaint filed by the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service, Packers & Stockyards Division (PSD), United States Department of Agriculture, alleging that Respondent Darren Roberson d/b/a Rock`n R Cattle Co. willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. §§ 201.1, *et seq.*). This Consent 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).

The Respondent admits the jurisdictional allegations set forth 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 Consent Decision and Order, including waiving challenges to the Administrative Law Judge's authority to enter this Consent 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 further admits that he freely and voluntarily signs this Consent Decision and Order without any duress or compulsion whatsoever; that Complainant has made no promise, representation or warranty, express or implied, except as expressly set forth in this Consent Decision and Order; and that Respondent has not relied on any inducements, promises, or representations made by Complainant, or its representatives, or any other person, except as expressly set forth herein.

The Respondent consents and agrees, for the purpose of settling this proceeding, to the entry of this Consent Decision and Order. Complainant agrees to the entry of this Consent Decision and Order.

Findings of Fact

Respondent is an individual whose business mailing address 16562 160th Street, Lindsay, OK 73053. Respondent is, and at all times material herein was:

1. Engaged in the business of a dealer buying and selling livestock in commerce for his own account and for the accounts of others;
2. Engaged in the business of a market agency buying livestock on a commission basis 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 on a commission basis.

Conclusions

The Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this Consent Decision and Order, such Consent Decision and Order will be entered.

Order

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent Darren Roberson d/b/a Rock'n R Cattle Co. is hereby assessed a civil penalty in the amount of nine thousand dollars (\$9,000.00). Within sixty (60) days of the final and effective date of this Consent Decision and Order, Respondent shall pay three thousand five hundred dollars (\$3,500) by certified check or money order payable to the U.S. Treasury. Respondent shall indicate on the certified check or money order that payment is made in reference to P&S Docket No. 20-J-0008. Respondent shall mail the certified check or money order to USDA-AMS-FTPP-PSD, P.O. Box 979064, St. Louis, Missouri 63197-9000. Payment of the remaining five thousand, five hundred dollar (\$5,500) portion of this civil penalty shall be held in abeyance for twelve (12) months from the effective date of this Consent Decision and Order so long as Respondent fully complies with the requirements of the Packers and Stockyards Act (7 U.S.C. §§ 181, *et seq.*), the regulations promulgated thereunder (9 C.F.R. §§ 201.1, *et seq.*), and the terms and conditions of this Consent Decision and Order as set forth below.

Respondent shall not engage in business in any capacity for which bonding is required under the Packers and Stockyards Act and regulations promulgated thereunder without filing and maintaining an adequate bond or its equivalent as required by section 312(a) of the Act and by sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29 and 201.30).

Respondent shall keep and maintain all accounts, records, and memoranda that fully and accurately disclose all transactions involved in its business, as required by section 401 of the Act (7 U.S.C. § 221).

If Respondent (1) commits no violations of the Act and the regulations promulgated thereunder and (2) does not violate the terms and conditions of this Consent Decision and Order for twelve (12) months from the effective date of this order, the five thousand, five hundred dollar (\$5,500) portion of this civil penalty that is held in abeyance during the twelve (12) month period shall be terminated at the end of said period. If, however, Complainant determines that Respondent has violated the Act, the regulations, or any terms or conditions of this Consent Decision and Order during the aforementioned twelve (12) month period, then Complainant may send a written notice of said violation(s) to Respondent, and Respondent may respond in writing by verified pleading within fourteen (14) days from the date of Respondent's receipt of the written notice. Immediately thereafter the matter shall be reviewed by PSD, FTTP, AMS, USDA, and a decision made within thirty (30) days as to the alleged violation(s). If PSD determines that such violation(s) have occurred, it may seek full and immediate payment of the nine thousand dollar (\$9,000.00) civil penalty, less any amount of the civil penalty that has already been paid by Respondent without the need for any further proceedings. In addition, any violations of the terms and conditions of this Consent Decision and Order may result in a referral of said violations to the appropriate U.S. Attorney's Office with a request for an action to enforce the terms of this Consent Decision and Order and the assessment of further civil penalties, in accordance with sections 314 and 315 of the Packers and Stockyards Act (7 U.S.C. §§ 215 and 216).

The provisions of this Consent Decision and Order shall become final and effective on the sixth day after service of the fully-executed Consent Decision and Order on the Respondent.

Copies of this Consent Decision and Order shall be served upon the parties.

Done at Washington, D.C.

this 5 day of MAY 2020


Jill S. Clifton
Administrative Law Judge



Darren Roberson d/b/a Rock'n R Cattle Co.
Respondent

RACHEL BIRKEY 

Rachel A. Birkey
Attorney for Complainant