

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D-07-0034
)
Leroy Keaton and Todd Keaton, d/b/a)
Keaton Cattle Co.)
)
Respondents)
) Consent Decision

This disciplinary proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.; hereinafter “Act”), by a Complaint filed on November 21, 2006, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (hereinafter “Complainant”), alleging that Respondents Leroy Keaton and Todd Keaton, d/b/a Keaton Cattle Company, willfully violated the Act. This Consent Decision is entered pursuant to the consent decision provision (7 C.F.R. § 1.138) of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130-1.151; hereinafter “Rules of Practice”).

Respondents Leroy Keaton and Todd Keaton, d/b/a as Keaton Cattle Company, admit the jurisdictional allegations 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.

Complainant agrees to the entry of this Consent Decision.

Findings of Fact

1. Leroy Keaton and Todd Keaton, d/b/a Keaton Cattle Company (hereinafter "Respondents L. Keaton and T. Keaton"), are partners whose business mailing address is P.O. Box 845, Sealy, Texas 77474.

2. Respondents L. Keaton and T. Keaton at all times material herein were:

- (a) Engaged in the business of buying and selling livestock in commerce as a dealer for their own account; and
- (b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for their own account.

Conclusions

Respondents L. Keaton and T. Keaton having admitted the jurisdictional facts and the parties having agreed to the entry of this Consent Decision, such Consent Decision will be entered.

Order

Respondents L. Keaton and T. Keaton, as individuals, and their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

Respondents L. Keaton and T. Keaton shall keep accounts, records, and memoranda that fully and correctly disclose all transactions involved in their business subject to the Act. Specifically, Respondents L. Keaton and T. Keaton shall keep and maintain all livestock purchase invoices.

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents L. Keaton and T. Keaton are jointly and severally assessed a civil penalty in the amount of Seven Thousand

dollars (\$7,000.00).

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become effective on the sixth (6th) day after service of this Order on Respondents L. Keaton and T. Keaton.

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

For Respondents:


Leroy Keaton
Respondent

3-20-07
Date Signed


Todd Keaton
Respondent

3-20-07
Date Signed


Gerard D. Eftink
Attorney for Respondents

Date Signed

For Complainant:


Leah C. Battaglioli
Attorney for Complainant

4/3/07
Date Signed

Issued in Washington, D.C.

this 5th day of April, 2007



Administrative Law Judge