

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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OALJ/OHC

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In re:

T-Byrd Cattle Company and  
Jeremy T. Byrd

Respondents

P & S Docket No. D-06-0012

Decision Without Hearing  
By Reason of Consent

RECEIVED

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*), hereinafter referred to as the Act, by a complaint filed by the Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondents wilfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*), hereinafter referred to as the regulations. This decision is entered pursuant to the consent decision provision of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The Respondents T-Byrd Cattle Company and Jeremy T. Byrd 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 decision.

The Complainant agrees to the entry of this decision.

Findings of Fact

1. (a) T-Byrd Cattle Company (hereinafter "Respondent T-Byrd") is a corporation formed under the laws of the State of Texas. Its mailing address is P.O. Box 26, Grapeland, TX 75844.

(b) Respondent T-Byrd at all times material herein, was:

- (1) Engaged in business as a livestock dealer in commerce, buying and selling for its own account, and
- (2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for its own account.

2. (a) Jeremy T. Byrd (hereinafter referred to as "Respondent Byrd") is an individual whose business mailing address is P.O. Box 26, Grapeland, TX 75844.

(b) Respondent Byrd, is and at all times material herein was:

- (1) President of Respondent T-Byrd;
- (2) Manager of Respondent T-Byrd;
- (3) One-Hundred percent shareholder of Respondent T-Byrd;
- (4) Responsible for the day-to-day management, direction, and control of Respondent T-Byrd.

#### Conclusions

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

#### Order

Respondent T-Byrd and Respondent Byrd, their agents and employees, directly or indirectly through any corporate or other device, in connection with their operations subject to the Packers and Stockyards Act, shall cease and desist from:

1. Issuing checks in payment for livestock purchases that are returned unpaid by the bank upon which they were drawn. Respondent T-Byrd shall maintain sufficient funds on deposit and

available in the account upon which the checks were drawn to pay such checks when presented.

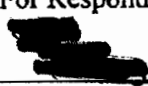
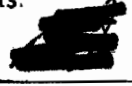
2. Failing to pay, when due, the full purchase price of such livestock.

In accordance with section 312(b) of the Act (7 U.S.C. §213(b)), Respondents T-Byrd Cattle Company and Jeremy T. Byrd are jointly and severally assessed a civil penalty in the amount of eleven thousand two hundred fifty dollars (\$11,250.00).

Copies of this decision shall be served upon the parties.

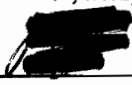
The provisions of this order shall become effective on the sixth (6th) day after service of this order on Respondents.

For Respondents:


Jeremy T. Byrd, President  
for T-Byrd Cattle Co., Respondent

8/7/06  
Date Signed

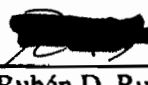
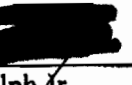
Jeremy T. Byrd  
Respondent

8/7/06  
Date Signed

 8/15/06  
Dale Long  
Attorney for Respondents

8-15-06  
Date Signed

For Complainant:

Rubén D. Rudolph Jr.  
Attorney for Complainant

Issued in Washington D.C.  
this 31st day of August, 2006

  
Administrative Law Judge