

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:

Charles Rickey Johnson

Respondent

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P. & S. Docket No. D-08-0063

Consent Decision

This 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 by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (hereinafter "Complainant"), alleging that Respondent willfully violated the Act. This consent decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138; hereinafter "Rules of Practice").

Charles Rickey Johnson admits the jurisdictional allegations 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, 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. Charles Rickey Johnson (hereinafter "Respondent"), is an individual whose mailing address is P.O. Box 492, Glasgow, Kentucky 42141.
2. Respondent at all times material to the Complaint was:
 - (a) Engaged in the business of buying and selling livestock in commerce as a dealer for his own account and for the account of others; and
 - (b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account and for the account of others.

Conclusion

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

Respondent Charles Rickey Johnson, as an individual, and 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 failing to pay, when due, the full purchase price of livestock.

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of Six Thousand Five Hundred Dollars (\$6,500.00). Respondent will pay Three Thousand Two Hundred Fifty Dollars (\$3,250.00) with the issuance of this consent decision and will pay the remaining Three Thousand Two Hundred Fifty Dollars (\$3,250.00) on or before December 31, 2008. Respondent will make both payments by check or money order payable to "U.S. Department of Agriculture." The first payment will be sent directly to

Complainant's attorney at the following address:

United States Department of Agriculture
Office of the General Counsel
Trade Practices Division
1400 Independence Avenue, S.W.
Suite 2309, Stop 1413
Washington, D.C. 20250

The second payment will be sent to the following address:

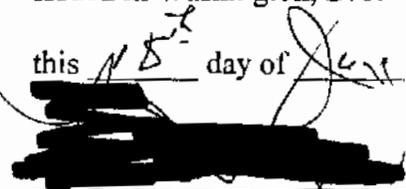
USDA GIPSA
P.O. Box 790335
St. Louis, MO 63179-0335

This order shall have the same force and effect as if entered after full hearing. The provisions of this order shall become final and effective upon issuance.

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

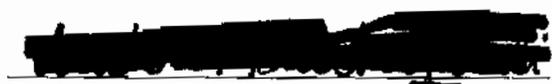
Issued in Washington, D.C.

this 11th day of June, 2008


Administrative Law Judge


Charles Rickey Johnson
Respondent


Ernest H. Van Hooser
Attorney for Respondent


Leah C. Battaglioli
Attorney for Complainant