

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) P. & S. Docket No. D-08-0109  
 )  
Jimmy Hughes )  
 )  
Respondent ) Decision Without Hearing  
 ) By Reason of Consent

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, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondent willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*). 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).

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, and consents and agrees, 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. Jimmy Hughes, (hereinafter "Respondent"), is an individual with a mailing address of P.O. Box 65, Mt. Vernon, Texas 75457.

2. Respondent, at all times material herein, was:

(a) Engaged in the business of a dealer buying and selling livestock in commerce for his own account and the account of others; and

(b) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce.

#### Conclusions

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

#### Order

Respondent Jimmy Hughes, his agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from:

1. Issuing checks in payment of livestock purchases without having and maintaining sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented;

2. Failing to pay the full purchase price of livestock; and

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

In accordance with 7 U.S.C. § 204, the registration of Respondent Jimmy Hughes is suspended for a period of ten (10) years.

The provisions of this order shall become effective on the sixth day after service of this order on the Respondent.

Copies of this decision shall be served upon the parties.

  
Jimmy Hughes

  
Charles L. Kendall  
Attorney for Complainant

Issued this \_\_\_\_\_ day of \_\_\_\_\_

  
Administrative Law Judge

Issued this \_\_\_\_\_ day of June 2008