

AGRICULTURE DECISIONS

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Pages 531 - 577



THIS IS A COMPILATION OF DECISIONS ISSUED BY THE
SECRETARY OF AGRICULTURE AND THE COURTS
PERTAINING TO STATUTES ADMINISTERED BY THE
UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURE DECISIONS

Agriculture Decisions is an official publication by the Secretary of Agriculture consisting of decisions and orders issued in adjudicatory administrative proceedings conducted for the Department under various statutes and regulations. Selected court decisions concerning the Department's regulatory programs are also included. The Department is required to publish its rules and regulations in the *Federal Register* and, therefore, they are not included in *Agriculture Decisions*.

Beginning in 1989, *Agriculture Decisions* is comprised of three Parts, each of which is published every six months. Part One is organized alphabetically by statute and contains all decisions and orders other than those pertaining to the Packers and Stockyards Act and the Perishable Agricultural Commodities Act, which are contained in Parts Two and Three, respectively.

The published decisions and orders may be cited by giving the volume number, page number and year, e.g., 1 Agric. Dec. 472 (1942). It is unnecessary to cite a decision's docket number, e.g., AWA Docket No. 99-0022, and the use of such references generally indicates that the decision has not been published in *Agriculture Decisions*.

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Beginning in Volume 63, all **Initial Decisions** decided in the calendar year by the Administrative Law Judge(s) will be arranged by the controlling statute and will be published chronologically along with appeals (if any) of those ALJ decisions issued by the Judicial Officer.

Beginning in Volume 60, each part of *Agriculture Decisions* has all the parties for that volume, including consent decisions, listed alphabetically in a supplemental List of Decisions Reported. The Alphabetical List of Decisions Reported and the Subject Matter Index (from the beginning of the annual Volume) are included in a separate volume, entitled Part Four.

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PACKERS AND STOCKYARDS ACT

DEPARTMENTAL DECISIONS

**In re: BERRY & SONS, RABABEH ISLAMIC
SLAUGHTERHOUSE, INC.
P & S Docket No. D-07-0100.
Decision and Order.
Filed January 15, 2008.**

P&S – Default – Civil penalty – Operating as a packer without required bond.

Leah C. Battaglioli, for Complainant.
Issam A. Abbas, Dearborn, MI, for Respondent.
Initial decision issued by Jill S. Clifton, Administrative Law Judge.
Decision and Order issued by William G. Jenson, Judicial Officer.

PROCEDURAL HISTORY

Alan R. Christian, Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture [hereinafter the Deputy Administrator], instituted this disciplinary administrative proceeding by filing a Complaint and Notice of Hearing [hereinafter Complaint] on April 27, 2007. The Deputy Administrator instituted the proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181-229b) [hereinafter the Packers and Stockyards Act]; the regulations issued under the Packers and Stockyards Act (9 C.F.R. §§ 201.1-.200) [hereinafter the Regulations]; and the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130-.151) [hereinafter the Rules of Practice].

The Deputy Administrator alleges that, during the period October 10, 2004, through February 6, 2005, Berry & Sons, Rababeh Islamic Slaughterhouse, Inc. [hereinafter Berry & Sons], willfully violated section 202(a) of the Packers and Stockyards Act (7 U.S.C. § 192(a)) and sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§ 201.29, .30) by engaging in business as a packer without maintaining an

adequate bond or bond equivalent (Compl. ¶¶ II-IV). The Hearing Clerk served Berry & Sons with the Complaint, the Rules of Practice, and a service letter on May 2, 2007.¹ Berry & Sons failed to file an answer to the Complaint within 20 days after service, as required by section 1.136(a) of the Rules of Practice (7 C.F.R. § 1.136(a)). The Hearing Clerk sent Berry & Sons a letter dated May 23, 2007, stating Berry & Sons had not filed a timely response to the Complaint. Berry & Sons failed to file a response to the Hearing Clerk's May 23, 2007, letter.

On August 23, 2007, in accordance with section 1.139 of the Rules of Practice (7 C.F.R. § 1.139), the Deputy Administrator filed a Motion for Decision Without Hearing [hereinafter Motion for Default Decision] and a proposed Decision Without Hearing by Reason of Default [hereinafter Proposed Default Decision]. The Hearing Clerk served Berry & Sons with the Deputy Administrator's Motion for Default Decision and the Deputy Administrator's Proposed Default Decision on August 27, 2007.² Berry & Sons failed to file objections to the Deputy Administrator's Motion for Default Decision and the Deputy Administrator's Proposed Default Decision within 20 days after service, as required by section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

On October 15, 2007, Administrative Law Judge Jill S. Clifton [hereinafter the ALJ] issued a Decision and Order by Reason of Default [hereinafter Initial Decision]: (1) concluding Berry & Sons willfully violated section 202(a) of the Packers and Stockyards Act (7 U.S.C. § 192(a)) and sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§ 201.29, .30) by engaging in business as a packer without maintaining an adequate bond or bond equivalent; (2) ordering Berry & Sons to cease and desist from engaging in business as a packer without maintaining an adequate bond or bond equivalent, as required by the Packers and Stockyards Act and the Regulations; and (3) assessing Berry & Sons a \$1,000 civil penalty (Initial Decision at 5).

¹United States Postal Service Domestic Return Receipt for Article Number 7004 2510 0003 7121 7084.

²United States Postal Service Domestic Return Receipt for Article Number 7004 2510 0003 7023 1692.

On November 21, 2007, Berry & Sons filed an appeal petition and requested oral argument before the Judicial Officer. On December 27, 2007, the Deputy Administrator filed a response to Berry & Sons' appeal petition and request for oral argument. On December 31, 2007, the Hearing Clerk transmitted the record to the Judicial Officer for consideration and decision. Based upon a careful review of the record, I affirm the ALJ's Initial Decision.

DECISION

Statement of the Case

Berry & Sons failed to file an answer to the Complaint within the time prescribed in section 1.136(a) of the Rules of Practice (7 C.F.R. § 1.136(a)). Section 1.136(c) of the Rules of Practice (7 C.F.R. § 1.136(c)) provides the failure to file an answer within the time provided in section 1.136(a) of the Rules of Practice (7 C.F.R. § 1.136(a)) shall be deemed, for purposes of the proceeding, an admission of the allegations in the complaint. Further, pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139), the failure to file an answer or the admission by the answer of all the material allegations of fact contained in the complaint, constitutes a waiver of hearing. Accordingly, the material allegations in the Complaint are adopted as findings of fact. This Decision and Order is issued pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Berry & Sons is a corporation organized and existing under the laws of the State of Michigan. Berry & Sons' mailing address is 2496 Orleans Street, Detroit, Michigan 48207.

2. Berry & Sons was, at all times material to this proceeding:

(a) Engaged in the business of buying livestock in commerce for purposes of slaughter; and

(b) A "packer" within the meaning of that term under the Packers and Stockyards Act and subject to the provisions of the Packers and

Stockyards Act.

3. Berry & Sons was given due notice of the need to obtain a bond or bond equivalent:

(a) Berry & Sons was notified by letter on April 21, 2004, that the Packers and Stockyards Act required all packers whose average annual purchases exceeded \$500,000 to file and maintain a surety bond or bond equivalent, and that the Packers and Stockyards Program had information indicating Berry & Sons had been engaging in livestock operations subject to the Packers and Stockyards Act without obtaining an adequate bond or bond equivalent. The letter referenced 7 U.S.C. § 204 and notified Berry & Sons of its obligation to file proof of suitable bond or bond equivalent with the Packers and Stockyards Program before engaging in any operations subject to the Packers and Stockyards Act.

(b) Berry & Sons was notified by certified letter on July 9, 2004, that Berry & Sons had failed to furnish the requested bond coverage and that a continuation of livestock purchases as a packer would be in violation of the bonding requirements of the Packers and Stockyards Act and the Regulations. The letter notified Berry & Sons of its obligation to file proof of suitable bond or bond equivalent with the Packers and Stockyards Program before engaging in any operations subject to the Packers and Stockyards Act.

(c) On March 3, 2005, a Packers and Stockyards Program representative personally instructed Berry & Sons to submit the required bonding information and to refrain from engaging in activities subject to the Packers and Stockyards Act until the bonding requirements had been met. Notwithstanding this notice and subsequent telephone inquiries, Berry & Sons continued to engage in the business as a packer without maintaining an adequate bond or bond equivalent, as required by the Packers and Stockyards Act and the Regulations.

4. Berry & Sons, on or about the dates and in the transactions set forth in this paragraph of the Findings of Fact, purchased livestock for the purpose of slaughter without maintaining an adequate bond or bond equivalent. The transactions occurred at United Producers, Inc., in Manchester, Michigan, a posted stockyard, and from G & S Lambs, a livestock dealer in Aplington, Iowa.

Date of Purchase	Name of Seller	Number of Head	Livestock Amount
1/2/2005	G & S Lambs	303	\$32,973.00
10/10/2004	G & S Lambs	309	\$28,312.90
10/17/2004	G & S Lambs	300	\$27,054.04
10/24/2004	G & S Lambs	318	\$32,273.90
11/7/2004	G & S Lambs	302	\$28,835.55
11/14/2004	G & S Lambs	292	\$28,918.20
11/21/2004	G & S Lambs	313	\$31,780.00
11/30/2004	G & S Lambs	394	\$42,742.23
12/5/2004	G & S Lambs	334	\$34,667.00
12/9/2004	United Producers, Inc.	47	\$4,330.29
12/12/2004	G & S Lambs	274	\$28,302.20
12/20/2004	United Producers, Inc.	133	\$13,069.85
12/23/2004	United Producers, Inc.	19	\$2,323.67
12/26/2004	G & S Lambs	223	\$22,825.77
12/27/2004	United Producers, Inc.	80	\$11,144.00
12/30/2004	United Producers, Inc.	121	\$15,832.60
1/3/2005	United Producers, Inc.	48	\$6,098.95
1/6/2005	United Producers, Inc.	31	\$3,769.41
1/9/2005	G & S Lambs	296	\$36,050.60
1/10/2005	United Producers, Inc.	248	\$32,046.50
1/13/2005	G & S Lambs	272	\$31,721.80
1/16/2005	G & S Lambs	274	\$33,357.75
1/17/2005	United Producers, Inc.	293	\$30,051.31
1/20/2005	G & S Lambs	306	\$37,381.95
1/20/2005	United Producers, Inc.	51	\$6,750.08
1/23/2005	G & S Lambs	225	\$27,684.85
1/24/2005	United Producers, Inc.	289	\$36,957.27
1/27/2005	United Producers, Inc.	77	\$7,952.50
2/6/2005	G & S Lambs	362	\$44,370.65
	Total	6,534	\$719,578.82

Conclusions of Law

1. The Secretary of Agriculture has jurisdiction in this matter.
2. By reason of the facts found in the Findings of Fact, Berry & Sons

willfully violated section 202(a) of the Packers and Stockyards Act (7 U.S.C. § 192(a)) and sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§ 201.29, .30) by engaging in business as a packer without maintaining an adequate bond or bond equivalent, as required.

Berry & Sons' Request for Oral Argument

Berry & Sons requests oral argument before the Judicial Officer. Berry & Sons' request for oral argument before the Judicial Officer, which the Judicial Officer may grant, refuse, or limit,³ is refused because the issues are not complex and oral argument would appear to serve no useful purpose.

Berry & Sons' Appeal Petition

Berry & Sons states, during its approximately 30 years in business, it was not required to obtain a bond or bond equivalent and, when contacted by the Packers and Stockyards Program, Berry & Sons perceived that a bond was optional, not mandatory. Berry & Sons also asserts, when it perceived that a bond was mandatory, it contacted its insurance agency in an attempt to obtain a bond. (Appeal Pet. Oral Argument Requested ¶ 1.)

I find Berry & Sons' appeal petition is merely an explanation for its violation of the Packers and Stockyards Act and the Regulations. Berry & Sons offers no basis for setting aside the default decision. Berry & Sons was required by section 1.136(a) of the Rules of Practice (7 C.F.R. § 1.136(a)) to file an answer within 20 days after service of the Complaint; namely, no later than May 22, 2007. The Hearing Clerk received Berry & Sons' first and only filing in this proceeding on November 21, 2007, 5 months 29 days after Berry & Sons was required to file an answer. As Berry & Sons failed to file a timely answer, Berry & Sons is deemed to have admitted the material allegations of the Complaint.

For the foregoing reasons, the following Order is issued.

³7 C.F.R. § 1.145(d).

ORDER

1. Berry & Sons, its agents and employees, successors and assigns, directly or indirectly through any corporate or other device, shall cease and desist from engaging in business as a packer without maintaining an adequate bond or bond equivalent, as required by the Packers and Stockyards Act and the Regulations.

Paragraph 1 of this Order shall become effective on the day after service of this Order on Berry & Sons.

2. Berry & Sons is assessed a \$1,000 civil penalty. The civil penalty shall be paid by certified check or money order made payable to the United States Department of Agriculture and sent to:

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

Payment of the civil penalty shall be sent to the United States Department of Agriculture within 30 days after service of this Order on Berry & Sons. Berry & Sons shall state on the certified check or money order that payment is in reference to P & S Docket No. D-07-0100.

PACKERS AND STOCKYARDS ACT

DEFAULT DECISIONS

In re: E.N.A. MEAT PACKING CORPORATION.

P & S Docket No. D-07-0202.

Default Decision.

Filed April 11, 2008.

PS – Default.

Mary Hobbie for GIPSA.

Respondent Pro se.

Default Decision by Chief Administrative Law Judge Marc. R. Hillson.

Decision and Order by Reason of Admissions

This is a disciplinary proceeding brought pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) and the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted By the Secretary (7 C.F.R. §§ 1.130 through 1.151). Complainant, the Deputy Administrator, Grain Inspection, Packers and Stockyards initiated this proceeding against the Respondent by filing a disciplinary Complaint and Notice of Hearing on September 21, 2007, which was served on Respondent on September 28, 2007. On October 17, 2007, the Hearing Clerk for the United States Department of Agriculture received a letter from the Respondent, which constitutes the sole Answer filed by the Respondent. In its Answer Respondent admits it does not have a bond and claims that “until recently [it] had no knowledge of not having a...bond.” Respondent further asserts that it is in the process of, “reaching out to a few new companies”, to secure a bond. Despite Respondent’s admissions that it did not have a bond, and its representation that the bond would be obtained and filed, Respondent has continued to operate as a packer without obtaining and filing the required bond or bond equivalent. Furthermore, Respondent’s letter did not address or deny paragraph II (c) of the Complaint and Notice of Hearing, which set forth the particulars of notice given to Respondent

concerning bond requirements. (Compl. ¶ II(c))

In response to Respondents' Answer, Complainant moved for a decision without hearing based on admissions pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139). Since Respondent's Answer admits Respondent does not have a bond and presents no *bona fide* defense to its admitted violation of the Packers and Stockyards Act, no hearing is warranted in this matter.

Respondent filed an Answer admitting that it had no bond or bond equivalent. In its defense, Respondent states that until recently it was unaware that it did not have a bond. Additionally, Respondent states that the insurance company that it had secured its bond with, "[was] no longer in service." Respondent's claim of ignorance of its lack of bond is not credible. Respondent had been notified by the Packer's and Stockyards Program no less than three times that it was required to obtain a bond. Specifically, Respondent was notified by letter on June 27, 2006, stating that the Respondent's surety bond would be terminated on July 26, 2006. (Compl. ¶ II(c).) Respondent was again notified on September 8, 2006, when a Packers and Stockyards representative personally informed it that it was without a bond or bond equivalent, in violation of the Act and that it must refrain from engaging in activities subject to the Act until bonding requirements had been met. (Compl. ¶ II(d).) Moreover, by virtue of previous disciplinary actions brought against the Respondent (see P & S Docket No. D-91-28), Respondent had actual notice that the Packers and Stockyards Act required all packers whose annual purchases exceeded \$500,000 to file and maintain a surety bond or bond equivalent. Respondent was found to have willfully violated section 202(a) of the Act (7 U.S.C. 192(a)) and sections 201.29 and 201.30 of the Regulations (9 C.F.R. 201.29, 201.30) and was ordered to cease and desist from purchasing livestock for slaughter without securing a bond or equivalent. (Compl. ¶ II(a).) Respondent knew or should have known that the bonding requirement was mandatory.

Respondent claims in its Answer, dated October 17, 2007, that it had "reached out to a few companies" and was waiting to obtain a bond. (Answer. ¶ 1.) As of January 1, 2008, Respondent has continued in its operations, purchasing livestock without a bond or bond equivalent.

Even if Respondent attempted unsuccessfully to obtain a bond, Respondent's failure to obtain a bond and its continued operation in spite of failing to obtain a bond violates the Act and the Regulations.

Respondent failed to secure a bond or bond equivalent, despite notification by certified mail, numerous phone calls, and a visit from a Packers and Stockyards representative notifying Respondent that it must refrain from engaging in activities subject to the Act until bonding requirements had been met. Respondent's violation of the bond requirements of the Act violated a Cease and Desist Order entered in 1992 that ordered Respondent not to purchase livestock for slaughter without securing a bond or equivalent.

1. E.N.A. Meat Packing Corporation (hereinafter "Respondent") is a corporation organized and existing under the laws of the state of New Jersey. Its mailing address is 240 East 5th Street, Paterson, New Jersey.

2. Respondent is, and at all times material herein was, engaged in the business of buying livestock in commerce for purposes of slaughter, and subject to the requirements of the Act as a packer.

3. Respondent's average annual purchases of livestock exceeded \$500,000.

CONCLUSIONS

Respondents willfully violated sections section 202(a) of the Act (7 U.S.C. 192(a)) and sections 201.29 and 201.30 of the Regulations (9 C.F.R. 201.29, 201.30), by failing to secure a bond or bond equivalent while engaging in operations of a packer. Complainant has moved for the issuance of a Decision without Hearing by Reason of Admissions, pursuant to section 1.139 of the Rules of Practice (7 C.F.R § 1.139). Accordingly, this decision and order is entered without hearing or further procedure.

ORDER

Respondent E.N.A. Meat Packing, Corp., shall cease and desist from engaging in operations subject to the Packers and Stockyards Act without first securing an adequate bond or bond equivalent. The Respondent is hereby assessed a civil penalty in the amount of \$3,750, payable to the United States Treasury, to be forwarded to USDA GIPSA, P.O. Box 790335, St. Louis, MO 63179-0335, within 60 days of the effective date of this order.

Pursuant to the Rules of Practice governing procedures under the Act, this Decision will become final without further proceedings 35 days after service hereof unless appealed to the Secretary by a party to the proceedings within 30 days after service as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139 and 1.145)

Copies of this decision shall be served upon the parties.
Issued in Washington D.C.

In re: DANNY L. JOHNSON.
P. & S. Docket No. D-07-0188.
Default decision.
Filed January 7, 2008.

PS – Default.

Andrew Stanton for GIPSA.
Respondent Pro se.
Default Decision by Administrative Law Judge Jill S. Clifton.

Decision Without Hearing by Reason of Default

Copies of the complaint and the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 *et seq.*) (hereinafter, "Rules of Practice") were sent to Respondent by certified mail, but were returned by the Post Office as "unclaimed". Service was then made by regular mail, pursuant to section 1.147(c) of the Rules of Practice (7 C.F.R. § 1.147(c)), on November 9, 2007.

Respondent has failed to file an answer within 20 days from the date of service of the complaint, as prescribed in section 1.136(a) of the Rules of Practice (7 C.F.R. § 1.136(a)). Therefore, Respondent is in default and the allegations of the complaint are deemed to be admitted (7 C.F.R. § 1.136(c)). Accordingly, the material facts alleged in the complaint, which are admitted by Respondent's failure to file an answer, are adopted and set forth herein as findings of fact.

This Decision Without Hearing by Reason of Default is issued pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Danny L. Johnson (hereinafter, "Respondent"), is an individual whose business mailing address is P.O. Box 806, Glasgow, Kentucky 42142.
2. Respondent was at all times material herein:
 - (a) Engaged in the business of a dealer, buying and selling livestock for his own account, and as a market agency, buying livestock on commission; and
 - (b) Registered with the Secretary of Agriculture as a dealer, buying and selling livestock for his own account or the accounts of others, and as a market agency, buying livestock on commission.
3. As more fully set forth in paragraph III of the complaint, Respondent, in connection with his operations subject to the Act, purchased livestock but failed to make payment within the time period specified in the Act.
4. As more fully set forth in paragraph IV of the complaint, Respondent, in connection with his operations subject to the Act, issued checks in purported payment for the purchase of livestock, which checks were returned unpaid by the bank upon which they were drawn because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which they were drawn to pay such checks when presented.

Conclusions

By reason of the facts alleged in Finding of Fact 3 herein, Respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b).

By reason of the facts alleged in Finding of Fact 4 herein, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)).

Order

Respondent, Danny L. Johnson, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from:

1. Failing to make payment for livestock purchases within the time period specified in the Act; and
2. Issuing checks in purported payment for the purchase of livestock without having and maintaining sufficient funds on deposit and available in the account upon which they are drawn to pay such checks when presented.

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

Copies of this decision shall be served upon the parties.

In re: ALEXANDER CARR SMITH.
P & S Docket No. D-07-0157.
Default Decision.
Filed January 11, 2008.

PS – Default.

Gary F. Ball for GIPSA.
Respondent Pro se.
Default Decision by Administrative Law Judge Jill S. Clifton.

Decision and Order by Reason of Default

The Complaint, filed on July 12, 2007, alleged that the Respondent Alexander Carr Smith was engaged in 2004 in the business of buying and selling livestock in commerce on a commission basis without maintaining an adequate bond or bond equivalent, and thereby willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181, *et seq.*) (frequently herein the “Packers and Stockyards Act” or the “Act”).

Parties and Counsel

The Complainant is the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (frequently herein “Packers and Stockyards” or “Complainant”). Packers and Stockyards is represented by Gary F. Ball, Esq. with the Office of the General Counsel (Trade Practices Division), United States Department of Agriculture, 1400 Independence Ave. SW, Washington, D.C. 20250-1413.

The Respondent is Alexander Carr Smith, an individual (frequently herein “Respondent Smith” or “Respondent”).

Procedural History

Packers and Stockyards’s Motion for Decision Without Hearing by Reason of Default, filed November 28, 2007, is before me. Respondent Smith was served on December 11, 2007 with a copy of that Motion and a copy of the proposed Decision and has failed to respond.

The Hearing Clerk mailed a copy of the Complaint to Respondent Smith by certified mail on July 12, 2007, together with a copy of the Hearing Clerk’s notice letter and a copy of the Rules of Practice. The certified mailing was returned to the Hearing Clerk with the Post Office label indicating “RETURN TO SENDER” “Unclaimed.” On August 17, 2007, the Hearing Clerk remailed the Complaint and accompanying documents to Respondent Smith by ordinary mail. The Respondent’s answer was due within 20 days after service, according to section

1.136(a) of the Rules of Practice (7 C.F.R. § 1.136(a)). The time for filing an answer to the Complaint expired on September 6, 2007. The Respondent has failed to file an answer, so the Respondent is in default, pursuant to section 1.136(c) of the Rules of Practice (7 C.F.R. § 1.136(c)).

Failure to file an answer within the time provided under 7 C.F.R. § 1.136(a) shall be deemed an admission of the allegations in the complaint (7 C.F.R. § 1.136(c)). Failure to file an answer constitutes a waiver of hearing (7 C.F.R. § 1.139). Accordingly, the material facts alleged in the Complaint, which are admitted by the Respondent's default, are adopted and set forth herein as Findings of Fact. This Decision and Order, therefore, is issued pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139). *See* 7 C.F.R. § 1.130 *et seq.*

Findings of Fact

1. Respondent Alexander Carr Smith is an individual whose mailing address is 349 Montgomery Avenue, P.O. Box 555, Church Hill, Tennessee, 37642.
2. At all times material herein, Respondent Smith was:
 - (a) Engaged in the business of buying livestock on a commission basis in commerce within the meaning of and subject to the provisions of the Act; and
 - (b) 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.
3. Respondent Smith, during October 28, 2004 through December 15, 2004, was engaged in the business of buying and selling livestock in commerce on a commission basis without maintaining an adequate bond or bond equivalent.

Conclusions

1. The Secretary of Agriculture has jurisdiction.

2. By reason of the facts alleged in paragraphs II and III of the Complaint, Respondent Alexander Carr Smith has willfully violated sections 312(a) of the Act (7 U.S.C. § 213(a)), and sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§ 201.29, 201.30).

Order

1. Respondent Alexander Carr Smith, 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 engaging in the business of buying and selling livestock in commerce on a commission basis without maintaining an adequate bond or bond equivalent.

2. In accordance with section 312(b) of the Act (7 U.S.C. § 213), Respondent Alexander Carr Smith is assessed a **civil penalty** of Six Thousand dollars (**\$6,000**). The civil penalty payment instrument shall be made payable to the order of **USDA-GIPSA** and sent to:

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

Payment shall be made within 30 days from the date this Order is final and effective (*see* next paragraph).

Finality

This Decision and Order shall be final and effective without further proceedings 35 days after service unless an appeal to the Judicial Officer is filed with the Hearing Clerk within 30 days after service, pursuant to section 1.145 of the Rules of Practice (7 C.F.R. § 1.145, see attached Appendix A).

Copies of this Decision and Order shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.

APPENDIX A

7 C.F.R.:

TITLE 7—AGRICULTURE

**SUBTITLE A—OFFICE OF THE SECRETARY OF
AGRICULTURE**

PART 1—ADMINISTRATIVE REGULATIONS

....

**SUBPART H—RULES OF PRACTICE GOVERNING
FORMAL**

**ADJUDICATORY PROCEEDINGS INSTITUTED BY THE
SECRETARY UNDER**

VARIOUS STATUTES

...

§ 1.145 Appeal to Judicial Officer.

(a) *Filing of petition.* Within 30 days after receiving service of the Judge's decision, if the decision is a written decision, or within 30 days after issuance of the Judge's decision, if the decision is an oral decision, a party who disagrees with the decision, any part of the decision, or any ruling by the Judge or who alleges any deprivation of rights, may appeal the decision to the Judicial Officer by filing an appeal petition with the Hearing Clerk. As provided in

§ 1.141(h)(2), objections regarding evidence or a limitation regarding examination or cross-examination or other ruling made before the Judge may be relied upon in an appeal. Each issue set forth in the appeal petition and the arguments regarding each issue shall be separately numbered; shall be plainly and concisely stated; and shall contain detailed citations to the record, statutes, regulations, or authorities being relied upon in support of each argument. A brief may be filed in support of the appeal simultaneously with the appeal petition.

(b) *Response to appeal petition.* Within 20 days after the service of a copy of an appeal petition and any brief in support thereof, filed by

a party to the proceeding, any other party may file with the Hearing Clerk a response in support of or in opposition to the appeal and in such response any relevant issue, not presented in the appeal petition, may be raised.

(c) *Transmittal of record.* Whenever an appeal of a Judge's decision is filed and a response thereto has been filed or time for filing a response has expired, the Hearing Clerk shall transmit to the Judicial Officer the record of the proceeding. Such record shall include: the pleadings; motions and requests filed and rulings thereon; the transcript or recording of the testimony taken at the hearing, together with the exhibits filed in connection therewith; any documents or papers filed in connection with a pre-hearing conference; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the proceeding; the Judge's decision; such exceptions, statements of objections and briefs in support thereof as may have been filed in the proceeding; and the appeal petition, and such briefs in support thereof and responses thereto as may have been filed in the proceeding.

(d) *Oral argument.* A party bringing an appeal may request, within the prescribed time for filing such appeal, an opportunity for oral argument before the Judicial Officer. Within the time allowed for filing a response, appellee may file a request in writing for opportunity for such an oral argument. Failure to make such request in writing, within the prescribed time period, shall be deemed a waiver of oral argument. The Judicial Officer may grant, refuse, or limit any request for oral argument. Oral argument shall not be transcribed unless so ordered in advance by the Judicial Officer for good cause shown upon request of a party or upon the Judicial Officer's own motion.

(e) *Scope of argument.* Argument to be heard on appeal, whether oral or on brief, shall be limited to the issues raised in the appeal or in the response to the appeal, except that if the Judicial Officer determines that additional issues should be argued, the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate arguments on all issues to be argued.

(f) *Notice of argument; postponement.* The Hearing Clerk shall advise all parties of the time and place at which oral argument will be heard. A request for postponement of the argument must be made by motion filed a reasonable amount of time in advance of the date fixed for argument.

(g) *Order of argument.* The appellant is entitled to open and conclude the argument.

(h) *Submission on briefs.* By agreement of the parties, an appeal may be submitted for decision on the briefs, but the Judicial Officer may direct that the appeal be argued orally.

(i) *Decision of the [J]udicial [O]fficer on appeal.* As soon as practicable after the receipt of the record from the Hearing Clerk, or, in case oral argument was had, as soon as practicable thereafter, the Judicial Officer, upon the basis of and after due consideration of the record and any matter of which official notice is taken, shall rule on the appeal. If the Judicial Officer decides that no change or modification of the Judge's decision is warranted, the Judicial Officer may adopt the Judge's decision as the final order in the proceeding, preserving any right of the party bringing the appeal to seek judicial review of such decision in the proper forum. A final order issued by the Judicial Officer shall be filed with the Hearing Clerk. Such order may be regarded by the respondent as final for purposes of judicial review without filing a petition for rehearing, reargument, or reconsideration of the decision of the Judicial Officer.

[42 FR 743, Jan. 4, 1977, as amended at 60 FR 8456, Feb. 14, 1995; 68 FR 6341, Feb. 7, 2003]

7 C.F.R. § 1.145

In re: MARK WRIGHT.
P & S Docket No. D-07-0193.
Default Decision.
Filed March 21, 2008.

PS – Default.

Mary Hobbie for GIPSA.
Respondent Pro se.

Default Decision by Administrative Law Judge Jill S. Clifton.

Decision and Order by Reason of Default

The Complaint, filed on September 13, 2007, alleged that the Respondent Mark Wright was, in 2006, engaged in the business of buying livestock in commerce on a commission basis without registering as a market agency with the Secretary of Agriculture and without maintaining an adequate bond or bond equivalent, and thereby willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181, *et seq.*) (frequently herein the “Packers and Stockyards Act” or the “Act”).

Parties and Counsel

The Complainant is the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (frequently herein “Packers and Stockyards” or “Complainant”). Packers and Stockyards is represented by Tonya Keusseyan, Esq. and Mary Hobbie, Esq. with the Office of the General Counsel (Trade Practices Division), United States Department of Agriculture, 1400 Independence Ave. SW, Washington, D.C. 20250-1413.

The Respondent is Mark Wright, an individual (frequently herein “Respondent Wright” or “Respondent”).

Procedural History

Packers and Stockyards’s Motion for Decision Without Hearing by Reason of Default, filed February 5, 2008, is before me. Respondent Wright was served on or before February 15, 2008 with a copy of that Motion and a copy of the proposed Decision and has failed to respond.

The Hearing Clerk mailed a copy of the Complaint to Respondent Wright by certified mail on September 13, 2007, together with a copy of the Hearing Clerk's notice letter and a copy of the Rules of Practice. Respondent Wright was served on October 2, 2007 with the copy of the Complaint and failed to answer. The Respondent's answer was due to be filed within 20 days after service, according to section 1.136(a) of the Rules of Practice (7 C.F.R. § 1.136(a)). The time for filing an answer to the Complaint expired on October 22, 2007. The Respondent failed to file an answer, so the Respondent is in default, pursuant to section 1.136(c) of the Rules of Practice (7 C.F.R. § 1.136(c)).

Failure to file an answer within the time provided under 7 C.F.R. § 1.136(a) shall be deemed an admission of the allegations in the complaint (7 C.F.R. § 1.136(c)). Failure to file an answer constitutes a waiver of hearing (7 C.F.R. § 1.139). Accordingly, the material facts alleged in the Complaint, which are admitted by the Respondent's default, are adopted and set forth herein as Findings of Fact. This Decision and Order, therefore, is issued pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139). *See* 7 C.F.R. § 1.130 *et seq.*

Findings of Fact

1. Respondent Mark Wright is an individual whose mailing address is 98 4th, Springer, New Mexico 87747.

2. Respondent Wright, at all times material to the Complaint, and particularly during February 15, 2006 through August 30, 2006, was engaged in the business of buying livestock in commerce on a commission basis within the meaning of and subject to the provisions of the Packers and Stockyards Act.

3. Respondent Wright, at all times material to the Complaint, was not registered with the Secretary of Agriculture as a market agency to buy livestock on a commission basis, as required under the Packers and Stockyards Act.

4. Respondent Wright, at all times material to the Complaint, did not maintain an adequate bond or bond equivalent, as required under the Packers and Stockyards Act.

Conclusions

1. The Secretary of Agriculture has jurisdiction.
2. By reason of the facts alleged in paragraphs II and III of the Complaint, Respondent Mark Wright has willfully violated sections 312(a) of the Act (7 U.S.C. § 213(a)), and sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§ 201.29, 201.30).

Order

Respondent Mark Wright, 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 engaging in operations subject to the Act without being properly registered with the Secretary of Agriculture and without first obtaining the requisite bond or bond equivalent.

Finality

This Decision and Order shall be final and effective without further proceedings 35 days after service unless an appeal to the Judicial Officer is filed with the Hearing Clerk within 30 days after service, pursuant to section 1.145 of the Rules of Practice (7 C.F.R. § 1.145, see attached Appendix A).

Copies of this Decision and Order shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.

APPENDIX A

7 C.F.R.:

TITLE 7—AGRICULTURE

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 1—ADMINISTRATIVE REGULATIONS

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(a) *Filing of petition.* Within 30 days after receiving service of the Judge's decision, if the decision is a written decision, or within 30 days after issuance of the Judge's decision, if the decision is an oral decision, a party who disagrees with the decision, any part of the decision, or any ruling by the Judge or who alleges any deprivation of rights, may appeal the decision to the Judicial Officer by filing an appeal petition with the Hearing Clerk. As provided in

§ 1.141(h)(2), objections regarding evidence or a limitation regarding examination or cross-examination or other ruling made before the Judge may be relied upon in an appeal. Each issue set forth in the appeal petition and the arguments regarding each issue shall be separately numbered; shall be plainly and concisely stated; and shall contain detailed citations to the record, statutes, regulations, or authorities being relied upon in support of each argument. A brief may be filed in support of the appeal simultaneously with the appeal petition.

(b) *Response to appeal petition.* Within 20 days after the service of a copy of an appeal petition and any brief in support thereof, filed by a party to the proceeding, any other party may file with the Hearing Clerk a response in support of or in opposition to the appeal and in such response any relevant issue, not presented in the appeal petition, may be raised.

(c) *Transmittal of record.* Whenever an appeal of a Judge's decision is filed and a response thereto has been filed or time for filing a response has expired, the Hearing Clerk shall transmit to the Judicial

Officer the record of the proceeding. Such record shall include: the pleadings; motions and requests filed and rulings thereon; the transcript or recording of the testimony taken at the hearing, together with the exhibits filed in connection therewith; any documents or papers filed in connection with a pre-hearing conference; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the proceeding; the Judge's decision; such exceptions, statements of objections and briefs in support thereof as may have been filed in the proceeding; and the appeal petition, and such briefs in support thereof and responses thereto as may have been filed in the proceeding.

(d) *Oral argument.* A party bringing an appeal may request, within the prescribed time for filing such appeal, an opportunity for oral argument before the Judicial Officer. Within the time allowed for filing a response, appellee may file a request in writing for opportunity for such an oral argument. Failure to make such request in writing, within the prescribed time period, shall be deemed a waiver of oral argument. The Judicial Officer may grant, refuse, or limit any request for oral argument. Oral argument shall not be transcribed unless so ordered in advance by the Judicial Officer for good cause shown upon request of a party or upon the Judicial Officer's own motion.

(e) *Scope of argument.* Argument to be heard on appeal, whether oral or on brief, shall be limited to the issues raised in the appeal or in the response to the appeal, except that if the Judicial Officer determines that additional issues should be argued, the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate arguments on all issues to be argued.

(f) *Notice of argument; postponement.* The Hearing Clerk shall advise all parties of the time and place at which oral argument will be heard. A request for postponement of the argument must be made by motion filed a reasonable amount of time in advance of the date fixed for argument.

(g) *Order of argument.* The appellant is entitled to open and conclude the argument.

(h) *Submission on briefs.* By agreement of the parties, an appeal may be submitted for decision on the briefs, but the Judicial Officer may direct that the appeal be argued orally.

(i) *Decision of the [J]udicial [O]fficer on appeal.* As soon as practicable after the receipt of the record from the Hearing Clerk, or, in case oral argument was had, as soon as practicable thereafter, the Judicial Officer, upon the basis of and after due consideration of the record and any matter of which official notice is taken, shall rule on the appeal. If the Judicial Officer decides that no change or modification of the Judge's decision is warranted, the Judicial Officer may adopt the Judge's decision as the final order in the proceeding, preserving any right of the party bringing the appeal to seek judicial review of such decision in the proper forum. A final order issued by the Judicial Officer shall be filed with the Hearing Clerk. Such order may be regarded by the respondent as final for purposes of judicial review without filing a petition for rehearing, reargument, or reconsideration of the decision of the Judicial Officer.

[42 FR 743, Jan. 4, 1977, as amended at 60 FR 8456, Feb. 14, 1995; 68 FR 6341, Feb. 7, 2003]

7 C.F.R. § 1.145

In re: LEE JOHNSON.
P. & S. Docket No. D-07-0128.
Default Decision.
Filed March 25, 2008.

PS – Default.

Tonya Keusseyan for GIPSA.
Respondent Pro se.
Default decision by Chief Administrative Law Judge Marc R. Hillson.

Decision Without Hearing by Reason of Default

Preliminary Statement

This is a disciplinary proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*)(hereinafter referred to as the "Act"), instituted by a Complaint filed on June 13, 2007, by the Deputy Administrator, Packers and Stockyards Program, GIPSA, United States Department of Agriculture. The Complaint alleged that during the period July 4, 2005, through January 16, 2006, Lee Johnson, (hereinafter "Respondent"), purchased livestock and failed to pay, when due, the full purchase price of such livestock, in a total amount of \$679,122.85, to three (3) sellers for 26 transactions. Respondent's payments for these transactions ranged from two (2) to 12 days late.

A copy of the Complaint was mailed to Respondent by certified mail at his last known mailing address on June 13, 2007, and was returned marked "Unclaimed" to the office of the Hearing Clerk on July 30, 2007. A copy of the Complaint was remailed to Respondent at the same address by ordinary mail on July 30, 2007 pursuant to Section 1.147(c) of the Rules of Practice (7 C.F.R. § 1.147(c)). Respondent has not answered the Complaint. The time for filing an answer having expired, and upon motion of the Complainant for the issuance of a Default Order, the following Decision and Order shall be issued without further procedure pursuant to Section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Finding of Fact

1. Lee Johnson (hereinafter "Respondent") is an individual whose mailing address is 1540 AN CR 489, Montalba, Texas.
2. Respondent at all times material to this Complaint was engaged in the business of buying and selling livestock in commerce as a dealer for his own account and was registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.
3. The Secretary has jurisdiction over Respondent and the subject matter involved herein.

4. As set forth in paragraph II of the Complaint, during the period July 4, 2005, through January 16, 2006, Respondent purchased livestock and failed to pay, when due, the full purchase price of such livestock, in a total amount of \$679,122.85, to three (3) sellers for 26 transactions. Respondent's payments for these transactions ranged from two (2) to 12 days late.

Conclusions

Respondent failures to make full payment promptly with respect to the 26 transactions set forth in Finding of Fact No. 4 above constitute willful violations of sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b) for which the Order below is issued.

Order

Respondent Lee Johnson, 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 failing to pay, when due, the full purchase price of livestock.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent Lee Johnson is assessed a civil penalty in the amount of Two Thousand Dollars (\$2,000.00).

Pursuant to the Rules of Practice governing procedures under the Act, this Decision will become final without further proceedings 35 days after service hereof unless appealed to the Secretary by a party to the proceeding within 30 days after service as provided in Sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. 1.139 and 1.145).

Copies hereof shall be served upon the parties.

Done at Washington, D.C.

**In re: DOUGLAS TODD MAYFIELD, d/b/a HOMINY
LIVESTOCK MARKET.
P & S Docket No. D-07-0156.**

**Decision (Default) and Order.
Filed March 25, 2008.**

PS – Default.

Charles Kendall for GIPSA.
Respondent Pro se.

Default Decision by Administrative Law Judge Jill S. Clifton.

Decision and Order by Reason of Default

The Amended Complaint, filed on September 25, 2007, alleged that the Respondent Douglas Todd Mayfield, doing business as Hominy Livestock Market, was, in 2003, engaged in the business of a market agency selling livestock in commerce on a commission basis and failed to make full payment promptly to the livestock owners and consignors and misused his custodial account, thereby willfully violating the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181, *et seq.*) (frequently herein the “Packers and Stockyards Act” or the “Act”).

Parties and Counsel

The Complainant is the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (frequently herein “Packers and Stockyards” or “Complainant”). Packers and Stockyards is represented by Charles L. Kendall, Esq. with the Office of the General Counsel (Trade Practices Division), United States Department of Agriculture, 1400 Independence Ave. SW, Washington, D.C. 20250-1413.

The Respondent is Douglas Todd Mayfield, an individual, doing business as Hominy Livestock Market (frequently herein “Respondent Mayfield” or “Respondent”), with a last known mailing address in Miami, Oklahoma 74354-3946.

Procedural History

Packers and Stockyards's Motion for Decision Without Hearing by Reason of Default, filed January 28, 2008, is before me. Respondent Mayfield was served on February 26, 2008, with a copy of that Motion and a copy of the proposed Decision, and he has failed to respond. His time to file a response expired on March 17, 2008.

The Hearing Clerk mailed a copy of the Amended Complaint to Respondent Mayfield by certified mail on September 25, 2007, together with a copy of the Hearing Clerk's notice letter and a copy of the Rules of Practice. Respondent Mayfield was served on October 3, 2007, when the copy of the Amended Complaint was delivered to and signed for by Amie Mayfield. The Respondent's answer was due to be filed within 20 days after service, according to section 1.136(a) of the Rules of Practice (7 C.F.R. § 1.136(a)). The time for filing an answer to the Complaint expired on October 23, 2007, and Respondent Mayfield failed to file an answer, so he is in default, pursuant to section 1.136(c) of the Rules of Practice (7 C.F.R. § 1.136(c)).

Failure to file an answer within the time provided under 7 C.F.R. § 1.136(a) shall be deemed an admission of the allegations in the complaint (7 C.F.R. § 1.136(c)). Failure to file an answer constitutes a waiver of hearing (7 C.F.R. § 1.139). Accordingly, the material facts alleged in the Amended Complaint, which are admitted by the Respondent's default, are adopted and set forth herein as Findings of Fact. This Decision and Order, therefore, is issued pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139). *See* 7 C.F.R. § 1.130 *et seq.*

Findings of Fact

1. Douglas Todd Mayfield, Respondent, is an individual who did business as Hominy Livestock Market, whose last known mailing address is in Miami, Oklahoma 74354-3946.
2. Respondent Mayfield, during 2003, was engaged in the business of conducting and operating Hominy Livestock Market, a posted stockyard subject to the provisions of the Packers and Stockyards Act, engaged in the business of a market agency selling livestock in commerce on a

commission basis, within the meaning of and subject to the provisions of the Packers and Stockyards Act.

3. Respondent Mayfield was, during 2003, registered with the Secretary of Agriculture as a market agency to sell livestock in commerce on a commission basis.

4. As set forth in paragraph II of the Amended Complaint, on July 22, 2003 Respondent Mayfield sold livestock on a commission basis and in purported payment of the net proceeds thereof issued checks to three (3) consignors or shippers of such livestock which were returned unpaid by the bank upon which they were drawn because Respondent did not have and maintain sufficient funds on deposit.

5. As set forth in paragraph II of the Amended Complaint, during the period July 8, 2003 through August 19, 2003, Respondent Mayfield failed to remit, when due, the net proceeds due from the sale of livestock on a commission basis, in a total amount of \$46,887.70, to four (4) sellers for 104 head of cattle.

6. As set forth in paragraph III of the Amended Complaint, during the period August 1, 2003, through August 29, 2003, Respondent Mayfield misused his Custodial Account for Shippers' Proceeds by permitting his bank to deduct bank charges from the custodial account and failing to reimburse the custodial account for any such bank charges, and by making transfers from the custodial account to Respondent's general account and to a personal checking account, not for the payment of net proceeds to a consignor or shipper or anyone entitled to payment, or to pay lawful charges against consignment that Respondent was required to pay, or to obtain sums due to Respondent for his services.

Conclusions

1. The Secretary of Agriculture has jurisdiction over Respondent Mayfield and the subject matter involved herein.

2. Respondent Douglas Todd Mayfield's failures to make full payment promptly with respect to the transactions set forth in Findings of Fact Nos. 4 and 5 above, and misuse of his custodial account as set forth in Finding of Fact No. 6 above, constitute willful violations of sections 307

and 312(a) of the Act (7 U.S.C. §§208, 213(a)), and sections 201.43 and 201.42 of the Regulations (9 C.F.R. §§ 201.42, 201.43).

Order

1. Respondent Douglas Todd Mayfield, 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:

a. Failing to remit to the owners and consignors, when due, the net proceeds resulting from the sale of consigned livestock in accordance with Section 201.43 of the regulations (9 C.F.R. § 201.43);

b. Issuing checks in payment of the net proceeds resulting from the sale of consigned livestock 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;

c. Using funds received as proceeds due from the sale of livestock sold on a commission basis for purposes of his own or for any purpose other than the payment of lawful marketing charges and the remittance of net proceeds to the consignors of livestock; and

d. Failing to otherwise maintain his Custodial Account for Shippers' Proceeds in strict conformity with the provisions of Section 201.42 of the regulations (9 C.F.R. § 201.42).

2. Respondent Douglas Todd Mayfield is suspended as a Registrant under the Act for a period of 150 days.

Finality

This Decision and Order shall be final and effective without further proceedings 35 days after service unless an appeal to the Judicial Officer is filed with the Hearing Clerk within 30 days after service, pursuant to section 1.145 of the Rules of Practice (7 C.F.R. § 1.145, see attached Appendix A).

Copies of this Decision and Order shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.

APPENDIX A

7 C.F.R.:

TITLE 7—-AGRICULTURE

**SUBTITLE A—-OFFICE OF THE SECRETARY OF
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§ 1.145 Appeal to Judicial Officer.

(a) *Filing of petition.* Within 30 days after receiving service of the Judge's decision, if the decision is a written decision, or within 30 days after issuance of the Judge's decision, if the decision is an oral decision, a party who disagrees with the decision, any part of the decision, or any ruling by the Judge or who alleges any deprivation of rights, may appeal the decision to the Judicial Officer by filing an appeal petition with the Hearing Clerk. As provided in § 1.141(h)(2), objections regarding evidence or a limitation regarding examination or cross-examination or other ruling made before the Judge may be relied upon in an appeal. Each issue set forth in the appeal petition and the arguments regarding each issue shall be separately numbered; shall be plainly and concisely stated; and shall contain detailed citations to the record, statutes, regulations, or authorities being

relied upon in support of each argument. A brief may be filed in support of the appeal simultaneously with the appeal petition.

(b) *Response to appeal petition.* Within 20 days after the service of a copy of an appeal petition and any brief in support thereof, filed by a party to the proceeding, any other party may file with the Hearing Clerk a response in support of or in opposition to the appeal and in such response any relevant issue, not presented in the appeal petition, may be raised.

(c) *Transmittal of record.* Whenever an appeal of a Judge's decision is filed and a response thereto has been filed or time for filing a response has expired, the Hearing Clerk shall transmit to the Judicial Officer the record of the proceeding. Such record shall include: the pleadings; motions and requests filed and rulings thereon; the transcript or recording of the testimony taken at the hearing, together with the exhibits filed in connection therewith; any documents or papers filed in connection with a pre-hearing conference; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the proceeding; the Judge's decision; such exceptions, statements of objections and briefs in support thereof as may have been filed in the proceeding; and the appeal petition, and such briefs in support thereof and responses thereto as may have been filed in the proceeding.

(d) *Oral argument.* A party bringing an appeal may request, within the prescribed time for filing such appeal, an opportunity for oral argument before the Judicial Officer. Within the time allowed for filing a response, appellee may file a request in writing for opportunity for such an oral argument. Failure to make such request in writing, within the prescribed time period, shall be deemed a waiver of oral argument. The Judicial Officer may grant, refuse, or limit any request for oral argument. Oral argument shall not be transcribed unless so ordered in advance by the Judicial Officer for good cause shown upon request of a party or upon the Judicial Officer's own motion.

(e) *Scope of argument.* Argument to be heard on appeal, whether oral or on brief,

shall be limited to the issues raised in the appeal or in the response to the appeal, except that if the Judicial Officer determines that additional issues should be argued, the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate arguments on all issues to be argued.

(f) *Notice of argument; postponement.* The Hearing Clerk shall advise all parties of the time and place at which oral argument will be heard. A request for postponement of the argument must be made by motion filed a reasonable amount of time in advance of the date fixed for argument.

(g) *Order of argument.* The appellant is entitled to open and conclude the argument.

(h) *Submission on briefs.* By agreement of the parties, an appeal may be submitted for decision on the briefs, but the Judicial Officer may direct that the appeal be argued orally.

(i) *Decision of the [J]udicial [O]fficer on appeal.* As soon as practicable after the receipt of the record from the Hearing Clerk, or, in case oral argument was had, as soon as practicable thereafter, the Judicial Officer, upon the basis of and after due consideration of the record and any matter of which official notice is taken, shall rule on the appeal. If the Judicial Officer decides that no change or modification of the Judge's decision is warranted, the Judicial Officer may adopt the Judge's decision as the final order in the proceeding, preserving any right of the party bringing the appeal to seek judicial review of such decision in the proper forum. A final order issued by the Judicial Officer shall be filed with the Hearing Clerk. Such order may be regarded by the respondent as final for purposes of judicial review without filing a petition for rehearing, reargument, or reconsideration of the decision of the Judicial Officer.

[42 FR 743, Jan. 4, 1977, as amended at 60 FR 8456, Feb. 14, 1995; 68 FR 6341, Feb. 7, 2003]

**In re: GARY THOMPSON.
P&S Docket No. D-07-0162.
Decision (Default) and Order.
Filed April 11, 2008.**

PS – Default.

Eric Paul for GIPSA.
Respondent Pro se.

Default Decision by Chief Administrative Law Judge Marc. R. Hillson.

DECISION AND ORDER

Preliminary Statement

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*), hereinafter “the Act”, by a Complaint filed by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondent wilfully violated the Act. Copies of the Complaint and the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes “Rules of Practice” (7 C.F.R. § 1.130 *et seq.*) were served upon Respondent, who applied for and was granted an extension of time until October 19, 2007, in which to file an answer. By letter dated October 22, 2007, Respondent was notified that he had failed to file an answer with the Hearing Clerk within the allotted time.

Respondent has failed to file an answer within the time prescribed in the Rules of Practice, as extended by the Chief Administrative Law Judge’s order, and the allegations of the Complaint, which are admitted by Respondent’s failure to file an answer (7 C.F.R. § 1.136(c)), are adopted and set forth herein as findings of fact.

Findings of Fact

1. Respondent Gary Thompson, hereinafter "Respondent", is an individual whose business address is P. O. Box 113, Pitkin, Louisiana 70656.

2. Respondent is and 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 of a clearing agency¹.

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account and as a clearing agency.

3. Respondent on or about the dates and in the transactions set forth below:

(a) Purchased livestock for his dealer operation and failed to pay, within the time period required by the Act, the full purchase price of such livestock.

Purchase Date	Livestock Seller	No. of Head	Livestock Amount	Date Payment Due per § 409a	Date Checks Delivered & Deposited	Payment Amounts	No. of Days Late
1/10/05	Kinder Livestock Auction, Inc	203	\$91,460.60	1/11/05	1/18/05	\$114,389.70*	7
1/17/05	Kinder Livestock Auction, Inc	110	\$44,259.89	1/18/05	1/24/05	\$58,028.03*	6
1/24/05	Kinder Livestock Auction, Inc	96	\$46,759.17	1/25/05	2/04/05	\$59,389.46**	10
1/31/05	Kinder Livestock Auction, Inc	88	\$43,039.58	2/01/05	2/09/05 2/09/05 2/11/05	\$3,696.46 \$6,597.56 \$45,603.99*	8 8 10
2/21/05	Kinder Livestock Auction, Inc	124	\$56,756.09	2/22/05	2/28/05 3/04/05	\$55,883.98 \$24,596.90*	6 10
1/15/05	Miller Livestock Markets, Inc.	2	\$847.85	1/18/05	1/31/05	\$7,528.92*	13

¹ Respondent clears the livestock purchases of his sons, Benson Wayne Thompson and Jacob Thompson, individually registered dealers who purchase livestock for Respondent.

Gary Thompson
67 Agric. Dec. 565

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Purchase Date	Livestock Seller	No. of Head	Livestock Amount	Date Payment Due per § 409a	Date Checks Delivered & Deposited	Payment Amounts	No. of Days Late
2/19/05	Miller Livestock Markets, Inc.	16	\$7,573.38	2/22/05	3/07/05 3/07/05	\$5,484.76 \$2,088.62	13 13
1/11/05	Dominique's Livestock Market, Inc.	75	\$35,058.50	1/12/05	1/21/05	\$47,409.26*	9
1/12/05	Dominique's Livestock Market, Inc.	79	\$39,917.46	1/13/05	1/21/05	\$45,628.34*	8
1/18/05	Dominique's Livestock Market, Inc.	58	\$26,615.68	1/19/05	1/28/05	\$35,498.77**	9
1/25/05	Dominique's Livestock Market, Inc.	46	\$20,798.92	1/26/05	2/07/05	\$29,895.71**	12
1/26/05	Dominique's Livestock Market, Inc.	40	\$18,976.33	1/27/05	2/07/05	\$18,976.33	11
2/01/05	Dominique's Livestock Market, Inc.	21	\$10,825.08	2/02/05	2/16/05	\$10,825.08	14
2/02/05	Dominique's Livestock Market, Inc.	8	\$3,903.65	2/03/05	2/16/05	\$3,965.75	13
3/01/05	Dominique's Livestock Market, Inc.	53	\$26,822.88	3/02/05	3/15/05	\$27,214.33 ***	13
3/02/05	Dominique's Livestock Market, Inc.	21	\$15,996.25	3/03/05	3/15/05	\$16,135.45 ***	12
DEALER	TOTALS:	1,040	\$ 489,611.31				

* This payment included an amount that Respondent owed on additional livestock that Respondent purchased as a farmer under the name Thompson Farms.

** This payment included a buyer's commission and an amount that Respondent owed on additional livestock that Respondent purchased as a farmer under the name Thompson Farms.

*** These total transaction amounts were taken from a third party check in the amount of \$91,881.77 on 3/15/05, after a third party check in the amount of \$58,829.40 that Respondent initially provided was returned unpaid on 3/14/05.

(b) Regularly delivered livestock payment checks drawn on his checking account, or endorsed third party checks that Respondent had received in payment for livestock, to the three livestock markets identified above, a week or more after the purchase of the livestock for which he was making payment despite having been put on notice by certified mail received December 23, 2003, that he was violating section 409(a) of the Act (7 U.S.C. 228b(a)) by failing to make payment for livestock purchases made at another Louisiana livestock market by the close of the next business day following purchase and transfer of possession of such livestock. Although Respondent subsequently obtained a written credit agreement from that market, and from a number of other markets, Respondent failed to obtain written credit agreements from the three markets where he purchased livestock in the above transactions.

4. Respondent failed to keep accounts, records, and memoranda that fully and correctly disclosed all transactions involved in his business, as required under section 401 of the Act, including all livestock invoices and recap statements obtained in connection with the purchase of livestock, copies of all third party checks that were given to livestock sellers in payment for Respondent's livestock purchases, and a complete record showing the dates and amounts of all payments made for livestock purchases, including payments made using third party checks.

Conclusions

By reason of the facts found in Findings of Fact 3 above, Respondent Gary Thompson has wilfully violated sections 312(a) and 409 of the Act (7 U.S.C. § 213(a), 228b).

By reason of the facts found in Findings of Fact 4 above, Respondent Gary Thompson has failed to meet the requirements of section 401 of the Act (7 U.S.C. 221), and therefore has willfully engaged in a violation of section 312(a) of the Act (7 U.S.C. § 213(a)).

Order

Respondent Gary Thompson, directly or through any corporate or other device, in connection with his operations as a dealer, buying and selling livestock in commerce for his own account, and of a clearing agency for his sons, Benson Wayne Thompson and Jacob Thompson, shall cease and desist from failing to pay, within the time period required by the Act, the full purchase price of livestock.

Respondent shall maintain accounts, records, and memoranda that fully and correctly disclose his transactions subject to the Act, including all livestock invoices and recap statements obtained in connection with the purchase of livestock, copies of all third party checks that were given to livestock sellers in payment for Respondent's livestock purchases, and a complete record showing the dates and amounts of all payments made for livestock purchases, including payments made using third party checks.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of \$6,500.00. Respondent's payment shall be made out to "USDA-GIPSA" and sent to USDA-GIPSA, P.O. Box 790335, St. Louis, Missouri 63179-0335. A reference notation to the docket number of this case, AP&S Dkt No. D-07-162," must be included on the face of the payment instrument.

This decision shall become final and effective without further proceedings 35 days after the date of service upon the Respondent, unless it is appealed to the Judicial Officer by a party to the proceeding within 30 days pursuant to section 1.145 of the Rules of Practice (7 C.F.R. § 1.145).

Copies of this decision shall be served upon the parties.
Done at Washington, D.C.

**In re: ROBERT B. TADLOCK, d/b/a BOB TADLOCK.
P & S Docket No. D-08-0094.
Default Decision.
Filed June 24, 2008.**

PS – Default.

Ciarra A. Toomey for GIPSA.
Respondent Pro se.
Default Decision by Administrative Law Judge Jill S. Clifton.

Decision and Order by Reason of Default

The Complaint, filed on April 3, 2008, alleged that the Respondent Robert B. Tadlock, doing business as Bob Tadlock, purchased and failed to pay for livestock in 2007 in the amount of \$68,823.10, in willful violation of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181, *et seq.*) (frequently herein the “Packers and Stockyards Act” or the “Act”).

Parties and Counsel

The Complainant is the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (frequently herein “Packers and Stockyards” or “Complainant”). Packers and Stockyards is represented by Ciarra A. Toomey, Esq. with the Office of the General Counsel (Trade Practices Division), United States Department of Agriculture, 1400 Independence Ave. SW, Washington, D.C. 20250-1413.

The Respondent is Robert B. Tadlock, an individual (frequently herein “Respondent Tadlock” or “Respondent”).

Procedural History

Packers and Stockyards’ Motion for Decision Without Hearing by Reason of Default, filed May 21, 2008, is before me. Respondent

Tadlock was served on May 27, 2008 with a copy of that Motion and a copy of the proposed Decision and has failed to respond.

The Hearing Clerk mailed a copy of the Complaint to Respondent Tadlock by certified mail on April 3, 2008, together with a copy of the Hearing Clerk's notice letter and a copy of the Rules of Practice. *See* 7 C.F.R. § 1.130 *et seq.* Respondent Tadlock was served on April 7, 2008 with the copy of the Complaint and failed to answer. The Respondent's answer was due to be filed within 20 days after service, according to section 1.136(a) of the Rules of Practice. 7 C.F.R. § 1.136(a). The time for filing an answer to the Complaint expired on April 28, 2008. The Respondent failed to file an answer, so the Respondent is in default, pursuant to section 1.136(c) of the Rules of Practice. 7 C.F.R. § 1.136(c).

Failure to file an answer within the time provided under 7 C.F.R. § 1.136(a) shall be deemed an admission of the allegations in the complaint. 7 C.F.R. § 1.136(c). Failure to file an answer constitutes a waiver of hearing. 7 C.F.R. § 1.139. Accordingly, the material facts alleged in the Complaint, which are admitted by the Respondent's default, are adopted and set forth herein as Findings of Fact. This Decision and Order, therefore, is issued pursuant to section 1.139 of the Rules of Practice. 7 C.F.R. § 1.139.

Findings of Fact

1. Respondent Robert B. Tadlock is an individual whose mailing address is P.O. Box 63, Forest, Mississippi 39074.

2. Respondent Tadlock was, at all times material to this Decision and particularly during October 2007: (a) engaged in the business of buying and selling livestock as a dealer in commerce for his own account; and (b) registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.

3. Respondent Tadlock, during October 2007, purchased livestock and failed to pay \$68,823.10 for the livestock.

Conclusions

1. The Secretary of Agriculture has jurisdiction over Respondent Robert B. Tadlock and the subject matter involved herein.

2. Respondent Robert B. Tadlock's failures to make full payment promptly for livestock, as described in Findings of Fact Nos. 2 and 3 above, constitute willful violations of sections 312(a) and 409 of the Packers and Stockyards Act. 7 U.S.C. §§ 213(a) and 228b.

Order

1. Respondent Robert B. Tadlock, 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 failing to pay the full amount of the purchase price for livestock within the time period required by the Act and the regulations promulgated under it.

2. Respondent Robert B. Tadlock is suspended as a registrant under the Packers and Stockyards Act for five (5) years; *provided*, however, that a supplemental order may be issued upon application to Packers and Stockyards and demonstration by Respondent Tadlock that circumstances warrant modification of this Order, including terminating the suspension at any time after all livestock sellers identified in the Complaint have been paid in full and 120 days of the suspension have been served.

Finality

This Decision and Order shall be final and effective without further proceedings 35 days after service unless an appeal to the Judicial Officer is filed with the Hearing Clerk within 30 days after service, pursuant to section 1.145 of the Rules of Practice (7 C.F.R. § 1.145, see attached Appendix A).

Copies of this Decision and Order shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.

APPENDIX A

7 C.F.R.:

TITLE 7--AGRICULTURE

**SUBTITLE A--OFFICE OF THE SECRETARY OF
AGRICULTURE**

PART 1--ADMINISTRATIVE REGULATIONS

....

**SUBPART H--RULES OF PRACTICE GOVERNING
FORMAL**

**ADJUDICATORY PROCEEDINGS INSTITUTED BY THE
SECRETARY UNDER**

VARIOUS STATUTES

...

§ 1.145 Appeal to Judicial Officer.

(a) *Filing of petition.* Within 30 days after receiving service of the Judge's decision, if the decision is a written decision, or within 30 days after issuance of the Judge's decision, if the decision is an oral decision, a party who disagrees with the decision, any part of the decision, or any ruling by the Judge or who alleges any deprivation of rights, may appeal the decision to the Judicial Officer by filing an appeal petition with the Hearing Clerk. As provided in § 1.141(h)(2), objections regarding evidence or a limitation regarding examination or cross-examination or other ruling made before the Judge may be relied upon in an appeal. Each issue set forth in the appeal petition and the arguments regarding each issue shall be separately numbered; shall be plainly and concisely stated; and shall contain detailed citations to the record, statutes, regulations, or authorities being relied upon in support of each argument. A brief may be filed in support of the appeal simultaneously with the appeal petition.

(b) *Response to appeal petition.* Within 20 days after the service of a copy of an appeal petition and any brief in support thereof, filed by a party to the proceeding, any other party may file with the Hearing Clerk a response in support of or in opposition to the appeal and in such

response any relevant issue, not presented in the appeal petition, may be raised.

(c) *Transmittal of record.* Whenever an appeal of a Judge's decision is filed and a response thereto has been filed or time for filing a response has expired, the Hearing Clerk shall transmit to the Judicial Officer the record of the proceeding. Such record shall include: the pleadings; motions and requests filed and rulings thereon; the transcript or recording of the testimony taken at the hearing, together with the exhibits filed in connection therewith; any documents or papers filed in connection with a pre-hearing conference; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the proceeding; the Judge's decision; such exceptions, statements of objections and briefs in support thereof as may have been filed in the proceeding; and the appeal petition, and such briefs in support thereof and responses thereto as may have been filed in the proceeding.

(d) *Oral argument.* A party bringing an appeal may request, within the prescribed time for filing such appeal, an opportunity for oral argument before the Judicial Officer. Within the time allowed for filing a response, appellee may file a request in writing for opportunity for such an oral argument. Failure to make such request in writing, within the prescribed time period, shall be deemed a waiver of oral argument. The Judicial Officer may grant, refuse, or limit any request for oral argument. Oral argument shall not be transcribed unless so ordered in advance by the Judicial Officer for good cause shown upon request of a party or upon the Judicial Officer's own motion.

(e) *Scope of argument.* Argument to be heard on appeal, whether oral or on brief, shall be limited to the issues raised in the appeal or in the response to the appeal, except that if the Judicial Officer determines that additional issues should be argued, the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate arguments on all issues to be argued.

(f) *Notice of argument; postponement.* The Hearing Clerk shall advise all parties of the time and place at which oral argument will be heard. A request for postponement of the argument must be made by motion filed a reasonable amount of time in advance of the date fixed for argument.

(g) *Order of argument.* The appellant is entitled to open and conclude the argument.

(h) *Submission on briefs.* By agreement of the parties, an appeal may be submitted for decision on the briefs, but the Judicial Officer may direct that the appeal be argued orally.

(i) *Decision of the [J]udicial [O]fficer on appeal.* As soon as practicable after the receipt of the record from the Hearing Clerk, or, in case oral argument was had, as soon as practicable thereafter, the Judicial Officer, upon the basis of and after due consideration of the record and any matter of which official notice is taken, shall rule on the appeal. If the Judicial Officer decides that no change or modification of the Judge's decision is warranted, the Judicial Officer may adopt the Judge's decision as the final order in the proceeding, preserving any right of the party bringing the appeal to seek judicial review of such decision in the proper forum. A final order issued by the Judicial Officer shall be filed with the Hearing Clerk. Such order may be regarded by the respondent as final for purposes of judicial review without filing a petition for rehearing, reargument, or reconsideration of the decision of the Judicial Officer.

[42 FR 743, Jan. 4, 1977, as amended at 60 FR 8456, Feb. 14, 1995; 68 FR 6341, Feb. 7, 2003]

7 C.F.R. § 1.145

Consent Decisions
[Date Format YY/MM/DD]

Packers and StockYards Act

Kent Frisell, PS-D-07-0051, 08/01/03.

Allen County Livestock Auction, L.L.C. a/k/a Adams & Peterson, L.L.C. and John Adams and Dale Peterson, PS-D-08-0001, 08/01/09.

Lonnie Martin, PS-D-07-0127, 08/01/10.

Anton L. Wald, Jr. and John B. Wald d/b/a Wald Livestock, PS-D-07-0078, 08/01/18.

National Beef Packing Company, L.L.C., PS-08-0038, 08/03/04.

Clinton Kvasnicka, PS-D-07-0072, 08/03/07.

Gary Jones d/b/a Big Spring Livestock Auction, PS-D-08-0013, 08/03/17.

Todd Syverson and Marilyn Syverson d/b/a Syverson Livestock Brokers, Syverson Cattle Co. and Triple S Ranch Company, PS-D-08-0054, 08/03/18.

Benton Packing Company, Inc and Arthur F. "Tinker" Green, PS-D-07-0054, 08/03/28.

Forester's 4-F Cattle Co. Inc., PS D-07-0151, 08/04/10.

W.L. Sawyer d/b/a Sawyer Livestock Co., PS-D-07-0172, 08/04/18.

Welch Livestock Market, Inc., PS-D-08-0018, 08/05/02.

Springfield Livestock Marketing Center, L.L.C., PS-D-07-0167, 08/05/15.

Fortner Livestock, Inc. and Otis Lewis Fortner, PS-D-08-0086, 08/05/22.

Cornbelt Beef Corporation, PS-D-08-0057, 08/05/23.

John Carl Stephens d/b/a Westbound Livestock, PS-D-08-0092, 08/05/30.

Creekstone Farms Premium Beef, L.L.C., PS-D-08-0099, 08/05/30.

Douglas Clemens d/b/a Monticello Livestock Sales, PS-D-07-0056, 08/06/06.

Michael E. Julian d/b/a Cameron Livestock Sales, PS-D-08-0040, 08/06/09.

Jimmy Hughes, PS-D-08-0109, 08/06/11.

Charles Rickey Johnson, PS-D-08-0063, 08/06/18.

James Gary Tankersley d/b/a Express Meats, PS-D-07-0101, 08/06/30.