

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P. & S. Docket No. D-02-0018  
 )  
Ronald A. Wilson d/b/a Parkersburg )  
Livestock Market, )  
 ) Decision Without Hearing by Reason of  
Respondent ) Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (hereinafter referred to as the "Act") by a Complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent willfully violated the Act and regulations. This decision is entered pursuant to section 1.138 of the Rules of Practice (7 C.F.R. § 1.138) governing consent decisions.

Respondent 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 decision.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Ronald A. Wilson, doing business as Parkersburg Livestock Market (hereinafter, the "Respondent"), is an individual whose business mailing address is P.O. Box 247, St. Marys, West Virginia 26150.

2. Respondent was at all times material herein:
  - (a) A posted stockyard, number WV118, subject to the provisions of the Act;
  - (b) Engaged in the business of a market agency, selling livestock on a commission basis; and
  - (c) Registered with the Secretary of Agriculture as a market agency, to sell livestock on a commission basis.

#### Conclusions

As Respondent admits the jurisdictional facts and the parties agree to the entry of this decision, this decision will be entered.

#### Order

Respondent Ronald A. Wilson d/b/a Parkersburg Livestock Market, his officers, directors, agents, employees, successors and assigns, individually or through any corporate or other device, in connection with operations subject to the Act, shall cease and desist from:

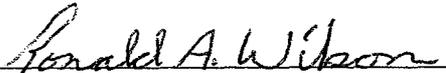
1. Failing to deposit in Respondent's "Custodial Account for Shippers' Proceeds" within the time prescribed by section 201.42 of the regulations (9 C.F.R. § 201.42) an amount equal to the proceeds receivable from the sale of consigned livestock;
2. Failing to maintain Respondent's "Custodial Account for Shippers' Proceeds" in conformity with the provisions of section 201.42 of the regulations (9 C.F.R. § 201.42);
3. Using custodial funds for any purpose other than the remittance of net proceeds to the person or persons entitled thereto and the payment of lawful marketing charges; and

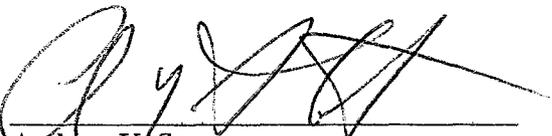
4. Failing to keep such accounts, records and memoranda which fully and correctly disclose all transactions conducted subject to the Packers and Stockyards Act, including, but not limited to all bank statements.

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of Fourteen Thousand Dollars (\$14,000.00), which will be paid in accordance with the terms of the Understanding Regarding Civil Penalty Payment Terms agreed to by the parties.

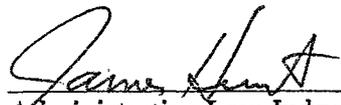
The provisions of this order shall become effective on the sixth day after service of this order on Respondent.

Copies of this decision shall be served upon the parties.

  
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Ronald A. Wilson d/b/a  
Parkersburg Livestock Market  
Respondent

  
\_\_\_\_\_  
Andrew Y. Stanton  
Attorney for Complainant

Issued this 22nd day of  
October, 2002

  
\_\_\_\_\_  
James Hunt  
Administrative Law Judge