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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 11-0069

In re: Eddie Bennett, d/b/a
Preferred Livestock,

Respondent

Default Decision and Order

This disciplinary proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act), by a Complaint filed on November 29, 2010, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (Complainant), alleging that Eddie Bennett, d/b/a Preferred Livestock, willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) (Regulations).

The Complaint and a copy of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130), (the Rules of Practice) were served on Respondent by certified mail on December 4, 2010. Respondent was informed in a letter of service that an answer should be filed pursuant to the Rules of Practice and that failure to answer would constitute an admission of all the material allegations contained in the Complaint. The letter was returned as "unclaimed" by the U.S. Postal Service to the Complainant. Complainant re-mailed the letter via regular mail on March 29, 2011.

Respondent failed to file an answer within the time period prescribed by the Rules of Practice (7 C.F.R. § 1.136), the material facts alleged in the Complaint will be deemed to be admitted and the following Findings of Fact, Conclusions of Law and Order will be entered.

Findings of Fact

1. Eddie Bennett, doing business as Preferred Livestock, (Respondent) is an individual. Respondent's mailing address is a home address, and will not be stated in this decision to protect his privacy, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purposes of service of this decision.

2. Respondent at all times material herein was:

   a. Engaged in the business of buying and selling livestock in commerce as a dealer; and

   b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

3. Respondent, on or about the dates and in the transactions set forth below, purchased livestock and failed to pay, within the time period required by the Act, the full purchase price of the livestock.

SELLER	NO. OF HEAD	LIVESTOCK AMOUNT	PURCHASE DATE	DUE DATE PER § 409 (a)	CHECK DATE	DAYS LATE
Mayfield Auction Barn	28	$2,135.000	1/3/10	1/4/10	2/2/10	29
Patton Junction Livestock Auction, Inc.	9	$2,767.95	1/4/10	1/5/10	1/12/10	7
Kentucky Tennessee Livestock Market, Inc.	3	$694.30	1/7/10	1/8/10	1/11/10	3
West Kentucky Livestock Market, LLC	10	$295.00	1/9/10	1/11/10	1/20/10	9
United Producers,	265	$29,384.66	1/14/10	1/15/10	1/20/10	5

Inc.						
United Producers, Inc.	11	$888.00	1/15/10	1/19/10	2/1/10	13
Patton Junction Livestock Auction, Inc.	7	$1,707.25	1/18/10	1/19/10	1/25/10	6
Mayfield Auction Barn	49	$3,788.00	1/20/10	1/21/10	2/2/10	12
Mayfield Auction Barn	31	$1,761.00	1/27/10	1/28/10	1/30/10	2
Kentucky Tennessee Livestock Market, Inc.	5	$1,135.25	1/28/10	1/29/10	2/1/10	3
Patton Junction Livestock Auction, Inc.	2	$277.45	2/1/10	2/2/10	2/9/10	7
Mayfield Auction Barn	4	$264.00	2/10/10	2/11/10	2/12/10	1
The Wildlife Ranch	318	$38,617.10	2/23/10	2/24/10	2/25/10	1
TOTALS	**742**	**$83,714.96**	**AVERAGE DAYS LATE**			**7.5**

4. Respondent, on or about the dates and in the transactions set forth below, purchased livestock and failed to pay the full purchase price of the livestock.

SELLER	NO. OF HEAD	LIVESTOCK AMOUNT	PURCHASE DATE	DUE DATE PER § 409 (a)	AMOUNT PAID	UNPAID BALANCE
Bullitt County Stockyards	20	$1,989.95	1/2/10	1/4/10	$233.70	$1,756.25

Conclusions of Law

1. The Secretary has jurisdiction in this matter.

2. By reason of the facts found in Findings of Fact 3 and 4, Respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b).

Order

1. Respondent Eddie Bennett, d/b/a Preferred Livestock, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from:

   a. Failing to pay, within the time period required by the Act, the full purchase price of livestock; and

   b. Failing to pay the full purchase price of livestock.

2. Respondent is hereby ordered to pay a civil penalty of $20,000.00 pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)).

3. This Decision and Order shall become final and effective without further proceedings thirty-five (35) days after service on Respondent, unless appealed to the Judicial Officer by a party to the proceeding within thirty (30) days after service as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139, 1.145).

Copies of this Decision and Order shall be served upon the parties.

May 25, 2011

Peter M. Davenport
Chief Administrative Law Judge