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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P & S Docket No. 12-0012
Ocala Livestock Market, Inc., Michael)	
Yeomans, aka Tony Yeomans, and)	
Tobitha Yeomans)	
)	
Respondents)	Decision Without Hearing
)	By Reason of Consent

This 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 by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondents willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.) (Regulations). This consent decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138) (Rules of Practice). The Complainant and Respondents are agreed that entry into this consent decision fully resolves this administrative action and that the Federal Court will be so-notified when this consent decision is signed and issued by the administrative law judge.

The Respondents admit the jurisdictional allegations in paragraph I of the Complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

1. Ocala Livestock Market, Inc. (Respondent Ocala), is a corporation organized and existing under the laws of the State of Florida. Respondent Ocala's current mailing address is P.O. Box 539, Lowell, FL 32663.
2. At all times material to the Complaint, Respondent Ocala was:
 - (a) Engaged in the business of a market agency selling livestock in commerce on a commission basis; and
 - (b) Registered with the Secretary of Agriculture as a market agency to sell livestock in commerce on a commission basis.
3. Michael Yeomans, aka Tony Yeomans (Respondent Tony Ycomans), is an individual whose current mailing address is in the State of Florida. The address will not be stated in this consent decision to protect the privacy of Mr. Yeomans, but the address was provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purposes of service.
4. At all times material to the Complaint, Respondent Tony Yeomans was:
 - (a) President of Respondent Ocala;
 - (b) Secretary of Respondent Ocala;
 - (c) Fifty percent owner of Respondent Ocala; and
 - (d) In conjunction with Respondent Tobitha Yeomans, is responsible for the direction, management, and control of Respondent Ocala.
5. Tobitha Ycomans is an individual whose current mailing address is the same address as Respondent Tony Ycomans. The address was provided to the Hearing Clerk as stated in Finding of Fact 3 above.

6. At all times material to the Complaint, Respondent Tobitha Yeomans was:

- (a) Vice-President of Respondent Ocala;
- (b) Treasurer of Respondent Ocala;
- (c) Registered agent of Respondent Ocala;
- (d) Fifty percent owner of Respondent Ocala; and
- (e) In conjunction with Respondent Tony Yeomans, is responsible for the direction, management, and control of Respondent Ocala.

7. Respondent Ocala is the alter ego of Respondents Tony Yeomans and Tobitha Yeomans.

Conclusion

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

Order

Respondent Ocala, Respondent Tony Yeomans, and Respondent Tobitha Yeomans, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from:

1. Failing to properly maintain their Custodial Account for Shippers' Proceeds in strict conformity with the Act and section 201.42 of the Regulations (9 C.F.R. § 201.42);
2. Using funds received from the sale of consigned livestock for any purpose other than those specifically permitted by section 201.42(d) of the Regulations (9 C.F.R. § 201.42(d)); and
3. Operating while Respondent Ocala's current liabilities exceed its current assets, a financial condition which does not comply with the requirements of the Act.

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In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are further assessed, jointly and severally, a civil penalty in the amount of Nine Thousand Five Hundred Dollars (\$9,500.00), to be paid in accordance with the provisions of the Understanding With Respect to Civil Penalty entered into by the parties.

The provisions of this Order shall become effective upon issuance.

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

Done at Washington, D.C.

this 17th day of May, 2012

Janice K. Bullard
Janice K. Bullard
Administrative Law Judge

Ocala Livestock Market, Inc.,
Respondent,

By: *Joy*

Title: *owner*

Michael Yeomans
Michael Yeomans
Respondent

Tobitha Yeomans
Tobitha Yeomans
Respondent

Stephen C. Bullock
Stephen C. Bullock
Attorney for Respondents

Leah C. Battaglioli
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Attorney for Complainant

Thomas N. Bolick
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Attorney for Complainant