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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Darlington Livestock Market, Inc.)
and Robert B. Robeson,)
)
)
Respondents.)

P&S Docket No. DE 24012
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USDA, GIPSA, OA
Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201 *et seq.*), hereinafter referred to as the "regulations" 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. Complainant and respondents have now agreed to entry of this Decision, without hearing or further procedure, pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

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

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agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this Decision.

Findings of Fact

(a) Respondent Darlington Livestock Market, Inc. is a corporation organized under the laws of the State of South Carolina, with its principal place of business located at 1989 Harry Byrd Highway, Darlington, South Carolina 29532. Its mailing address is P.O. Box 206, Chesterfield, South Carolina 29709. The corporation's registered agent for service of process is Robert B. Robeson.

(b) Respondent Darlington Livestock Market, Inc., under the direction, management, and control of respondent Robert B. Robeson is, and at all times material herein was:

- (i) Engaged in the business of conducting and operating Darlington Livestock Market, Inc., a stockyard posted under and subject to the provisions of the Act;
- (ii) Engaged in the business of selling livestock in commerce on a commission basis; and
- (iii) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis in commerce.

(c) Respondent Robert B. Robeson is an individual and his mailing address is P.O. Box 206, Chesterfield, South Carolina 29709. Respondent Robeson is, and at all

times material herein was, the owner and President of respondent Darlington Livestock Market, Inc., and formulated, directed, and controlled the policies, practices and activities of respondent Darlington Livestock Market, Inc.

(d) Respondent Robert B. Robeson is engaged in the business of a market agency selling livestock on a commission basis in commerce.

Conclusions

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

Order

Respondents Darlington Livestock Market, Inc. and Robert B. Robeson, their agents and employees, directly or through any corporate or other device, in connection with Respondents' activities subject to the Packers and Stockyards Act, shall cease and desist from: 1) failing to maintain their livestock scale so as to ensure accurate weights; 2) weighing livestock at other than their true and correct weights; 3) paying the sellers of livestock on the basis of the false and incorrect weights; and 4) issuing accounts of purchase to the sellers of livestock on the basis of the false and incorrect weights.

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent Darlington Livestock Market, Inc., and Respondent Robert B. Robeson are assessed, jointly and severally, a civil penalty in the amount of seven thousand and five hundred dollars (\$7,500).

The provisions of this Order shall become effective upon service on the respondents.

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

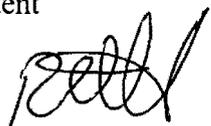
DARLINGTON LIVESTOCK MARKET, INC.

Respondent,

By: 

ROBERT B. ROBESON

President



ROBERT B. ROBESON

Respondent

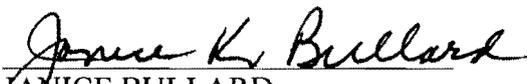


DARLENE M. BOLINGER

Attorney for Complainant

Issued in Washington D.C.

this 28th day of March 2012



JANICE BULLARD

Administrative Law Judge