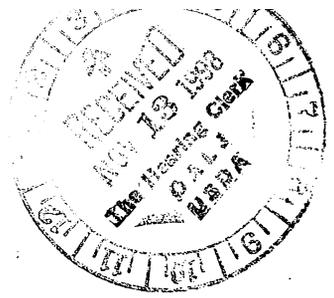


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P & S Docket No. D-99 0004
)
James B. Henderson,)
)
Respondent) Consent Decision

This proceeding was instituted under the Packers and Stockyard Act (7 U.S.C. §181 et seq.) 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 the Respondent willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. §1.138).

The 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.

The Complainant agrees to the entry of this decision.

Findings of Fact

(1) James B. Henderson (hereinafter referred to as Respondent) is an individual whose business mailing address is 201 Oliver Dill Road, Chatsworth, Georgia 30705.

(2) Respondent, at all times material herein, was engaged in the business of a dealer buying and selling livestock in commerce for his own account and as a market agency buying livestock on a commission basis.

(3) Respondent, at all times material herein, was registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account and as a market agency to buy livestock in commerce on a commission basis.

Conclusion

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

Order

Respondent James B. Henderson, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented;
2. Failing to pay, when due, the full purchase price of livestock;
3. Failing to pay the full purchase price of livestock;
4. Representing or authorizing another to represent that Respondent is purchasing livestock on behalf of a specifically identified principal when, in fact, Respondent is purchasing such livestock for speculation or for an undisclosed principal; and
5. Knowingly accepting, causing or authorizing the preparation of purchase invoices or any other documents representing that Respondent is purchasing livestock on behalf of a specifically identified principal when, in fact, Respondent is purchasing such livestock for speculation or for an undisclosed principal.

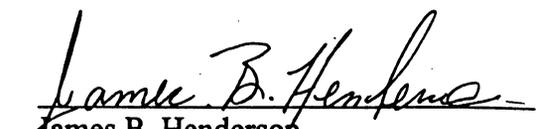
Respondent James B. Henderson shall keep and maintain accounts, records and

memoranda which fully and correctly disclose all transactions involved in his operations subject to the Act, including purchase invoices, scale tickets and documents of purchase that completely and accurately reflect the true nature of such transactions.

Respondent James B. Henderson is suspended as a registrant under the Act for a period of five (5) years, provided, however, that upon application to the Packers and Stockyards Programs and demonstration that all unpaid livestock sellers identified in the complaint have been paid in full, a supplemental order may be issued terminating the suspension in this proceeding at any time after the expiration of 120 days of this suspension. Provided further, that upon application to the Packers and Stockyards Programs and demonstration of circumstances warranting modification of this order, this order may be modified to permit respondent James B. Henderson's salaried employment by another registrant or packer after the expiration of 120 days of the suspension in this proceeding.

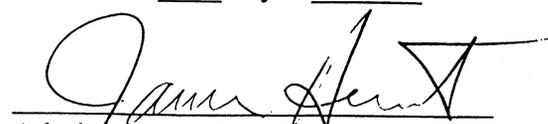
The provisions of this order shall become effective on the sixth day after service of this order on the Respondent.

Copies of this decision shall be served upon the parties.


James B. Henderson
Respondent


JoAnn Waterfield
Attorney for Complainant

Issued this 13th day of November 1998


Administrative Law Judge