

J. Butler  
Alan C.  
USDA  
OPL/CHC

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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P. & S. Docket No. D-10-0013  
)  
Randy Freeman, )  
)  
)  
)  
Respondent ) 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.) (hereinafter referred to as the "Act"), by a Complaint filed on October 15, 2009 by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent willfully violated the Act and the regulations issued thereunder (9 C.F.R. § 201.1 et seq.)(hereinafter referred to as the "regulations"). 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).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint, 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.

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### Findings of Fact

1. At all times material herein, Respondent was an individual proprietor whose mailing address was P.O. Box 572, Ben Franklin, TX 75415.
2. At all times material herein, Respondent engaged in the business of a dealer buying and selling livestock in commerce for his own account and as a market agency selling on a commission basis.
3. Respondent registered with the Secretary of Agriculture as a dealer and market agency on or about September 6, 1988.

### Order

Respondent, its agents and employees, successors and assigns, directly or through any corporate or other device, in connection with all its activities subject to the Act, shall:

Cease and desist from engaging in operations subject to the Act without maintaining an adequate bond or bond equivalent in accordance with section 312(a) of the Act (7 U.S.C. § 213(a)), and sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§ 201.29, 201.30).

Keep such records as fully and correctly disclosed all transactions involved in its business in accordance with section 401 of the Act (7 U.S.C. § 221). Specifically, Respondent will maintain current balance sheets, accounts receivable and payable ledgers, lists of all cattle purchased and sold, load make up records for livestock purchases and sales, cancelled checks and/or check images, deposit slips, invoices, credit agreements, purchase and sale contracts, scales tickets, and trucking/freight records.

File all required annual and special reports accurately and on a timely basis in accordance with sections 6, 8, 9 and 10 of the Federal Trade Commission Act (15 U.S.C. §§ 46, 48-50),

made applicable to the Packers and Stockyards Act by section 402 of the Act (7 U.S.C. § 222), and in accordance with section 201.97 of the regulations issued under the Act (9 C.F.R. § 201.97).

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of \$9000.00, payable to the United States Treasury in twelve monthly installments, with the first payment due immediately upon service of this Order on Respondent.

The payments shall be sent to the following address: USDA, GIPSA, P.O. Box 790335, St. Louis, MO 63179-0335.

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

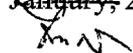
Copies of this decision shall be served upon the parties.

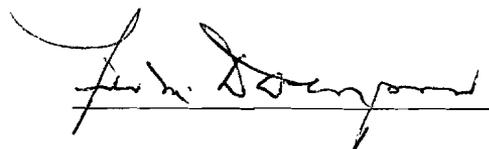
  
\_\_\_\_\_  
Christopher Young, Esq.  
Attorney For Complainant

2/8/10  
Date

  
\_\_\_\_\_  
J. Stephen Walker, Esq.  
Attorney For Respondent

1-28-10  
Date

Issued this 17<sup>th</sup> day of ~~January~~ <sup>February</sup>, 2010  


  
\_\_\_\_\_  
John D. Downey

Administrative Law Judge