

USDA
OAL/VOHC
7:27 AM 27 PM 1:53
RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-07-0087
)
Randall Bond)
)
Respondent) Decision Without Hearing
) By Reason of Consent
)

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.; hereinafter "Act"), by a Complaint filed on March 30, 2007, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers, and Stockyards Administration (GIPSA), United States Department of Agriculture (hereinafter "Complainant") alleging that Respondent has willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.; hereinafter "Regulations"). This decision is entered pursuant to the consent decision provision (7 C.F.R. § 1.138) of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted By the Secretary Under Various Statutes (7 C.F.R. §§ 1.130-1.151; hereinafter "Rules of Practice").

Respondent admits the jurisdictional allegations in paragraph I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter; admits the remaining allegations in paragraphs II and III; waives oral hearing and further procedure; and consents and agrees, for the purpose of settling this proceeding only, to the entry of this decision.

Complainant agrees to the entry of this decision.

Findings of Fact

I.

(a) Randall Bond, hereinafter referred to as "Respondent," is an individual whose mailing address is 811 Silas, Sweetwater, Texas, 79556.

(b) At all times material herein, Respondent was:

(1) A dealer, engaged in the business of buying in commerce livestock, either on his own account or as the employee or agent of the vendor or purchaser; or

(2) A market agency, engaged in the business of buying in commerce livestock on a commission basis; and

(2) Not registered as a dealer or market agency with the Secretary of Agriculture; and

(3) At all times material to this Complaint, operating as either a dealer or a market agency within the jurisdiction of the Secretary.

II.

Respondent was notified by certified letter, on December 21, 2004, that the Packers and Stockyards Program had information indicating Respondent may have been engaging in livestock operations covered by the Act without being registered with the Secretary. The letter referenced section 303 of the Act (7 U.S.C. § 203), 7 U.S.C § 204, and 9 C.F.R §§ 201.10 and 201.27- 201.34, and notified the Respondent of his obligation to file an application for registration and proof of suitable bond or bond equivalent with Packers and Stockyards Program before engaging in any operations subject to the Act.

On May 4, 2005 and again on May 16, 2005, a Packers and Stockyards Program representative spoke with Respondent and instructed him to submit the required registration and bonding information and to refrain from engaging in activities subject to the Act until the registration and bonding requirements had been met. Notwithstanding such notice, Respondent continued to engage in the business of buying livestock in commerce, either on his own account or as the employee or agent of the vendor or purchaser; or engaged in the business of buying livestock in commerce on a commission basis, without registering with the Secretary or maintaining an adequate bond as required by the Act and the Regulations.

III.

On or about the dates and in the transactions set forth below, Respondent engaged in the business of buying livestock in commerce, either on his own account or as the employee or agent of the vendor or purchaser; or engaged in the business of buying livestock in commerce on a commission basis without being registered with the Secretary and without maintaining an adequate bond or bond equivalent. The Respondent purchased the livestock from four posted stockyards in Texas: Sweetwater Cattle Auction, Sweetwater, TX; Haskell Livestock Auction, Haskell, TX; Abilene Auction Inc., Abilene, TX; Producers Livestock Auction Co., San Angelo, TX. The dates of the livestock transactions and the number of livestock involved are as follows:

Summary of Livestock Transactions

Date of Purchase	Location of Purchase	Number of Head Purchased
15-Sep-05	Producers Livestock Auction Co, San Angelo, TX	26
5-Oct-05	Sweetwater Cattle Auction, Sweetwater, TX	35
18-Oct-05	Abilene Auction Inc, Abilene, TX	31
25-Oct-05	Abilene Auction Inc, Abilene, TX	46
26-Oct-05	Sweetwater Cattle Auction, Sweetwater, TX	9
1-Nov-05	Abilene Auction Inc, Abilene, TX	27
2-Nov-05	Sweetwater Cattle Auction, Sweetwater, TX	10
8-Nov-05	Abilene Auction Inc, Abilene, TX	21
15-Nov-05	Abilene Auction Inc, Abilene, TX	48
17-Nov-05	Producers Livestock Auction Co, San Angelo, TX	83
22-Nov-05	Abilene Auction Inc, Abilene, TX	41
29-Nov-05	Abilene Auction Inc, Abilene, TX	29
30-Nov-05	Sweetwater Cattle Auction, Sweetwater, TX	41
6-Dec-05	Abilene Auction Inc, Abilene, TX	28
7-Dec-05	Sweetwater Cattle Auction, Sweetwater, TX	12
8-Dec-05	Producers Livestock Auction Co, San Angelo, TX	24
13-Dec-05	Abilene Auction Inc, Abilene, TX	45
14-Dec-05	Sweetwater Cattle Auction, Sweetwater, TX	16
5-Jan-06	Producers Livestock Auction Co, San Angelo, TX	28
7-Jan-06	Haskell Livestock Auction, Haskell, TX	10
11-Jan-06	Sweetwater Cattle Auction, Sweetwater, TX	29
13-Jan-06	Producers Livestock Auction Co, San Angelo, TX	37
17-Jan-06	Abilene Auction Inc, Abilene, TX	34
18-Jan-06	Sweetwater Cattle Auction, Sweetwater, TX	22
19-Jan-06	Producers Livestock Auction Co, San Angelo, TX	26
21-Jan-06	Haskell Livestock Auction, Haskell, TX	18
24-Jan-06	Abilene Auction Inc, Abilene, TX	44
4-Feb-06	Haskell Livestock Auction, Haskell, TX	76

IV.

Respondent has now registered as a dealer, and has obtained a suitable bond.

Conclusions

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

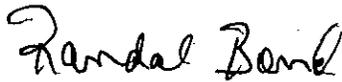
Order

Respondent, Randall Bond, as an individual, and his agents and employees, successors, and assigns, directly or through any corporate or other device, in connection with his operations subject to the Act, shall cease and desist from engaging in business in any capacity for which bonding is required under the Act and the Regulations, without filing and maintaining an adequate bond or its equivalent, as required by the Act and the Regulations.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is hereby assessed a civil penalty in the amount of two thousand seven-hundred and fifty dollars (\$2,750).

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become effective on the sixth (6th) day after service of this Order on Respondent.

Copies of this decision shall be served upon the parties.



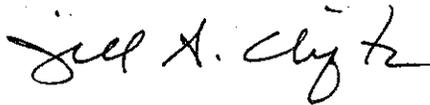
Randall Bond
Respondent



Tonya Keusseyan
Attorney for Complainant

Issued in Washington, D.C.

this 27 day of June, 2007



Administrative Law Judge

Jill S. Clifton