UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P & S Docket No. D-12-0188
	)	12-0189
JLA, LLC d/b/a Marshall	)	12-0243
Livestock Auction, Carey Jones,	)	
and Martha Jones	)	
	)	
Respondents	)	CONSENT DECISION

This is a disciplinary proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), instituted by an Amended Complaint filed by the Deputy Administrator of Packers and Stockyards Program. The Amended Complaint alleged that Respondents JLA, LLC d/b/a Marshall Livestock Auction, Carey Jones, and Martha Jones, willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. §§ 201.1 *et seq.*). 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 proceedings under the Act (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in paragraph I of the Amended 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 Decision.

Findings of Fact

(1) JLA, LLC d/b/a Marshall Livestock Auction (Respondent JLA) is a Missouri limited liability company with a business mailing address of 1399 N. Odell, Marshall, MO 65340.

(2) At all times material to the allegations herein, Respondent JLA 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 on a commission basis.

(3) Respondent Carey Jones and Respondent Martha Jones are individuals whose business mailing address is 1399 N. Odell, Marshall, MO 65340.

(4) At all times material to the allegations herein, Respondents Carey and Martha Jones were:

a. The owners of Respondent JLA;

b. The corporate officers of Respondent JLA;

c. The corporate directors of Respondent JLA;

d. Responsible for the day-to-day management, direction, and control of Respondent JLA; and

e. Engaged in the business of a market agency subject to the provisions of the Act.

Conclusions

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

Order

Respondents, their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and desist from:

(1) Failing to maintain their "Custodial Account for Shippers' Proceeds" in conformity with the provisions of section 201.42 of the regulations (9 C.F.R. § 201.42);

(2) Failing to deposit in their "Custodial Account for Shippers' Proceeds" within the times prescribed by section 201.42 of the regulations (9 C.F.R § 201.42) amounts equal to the outstanding proceeds receivable from the sale of consigned livestock;

(3) Using funds received from the sale of consigned livestock for the payment of bank fees, or for any purpose other than payment to consignors of the amount due from the sale of their livestock and the payment of lawful marketing charges; and

(4) Manipulating the price of livestock by creating false auction market invoices for customers.

Respondents shall maintain accounts, records and memoranda as fully and correctly disclose all transactions involved in their business, as required by section 401 of the Act (7 U.S.C. § 221), including, but not limited to, accurate records of their original and final sales invoices.

Respondent JLA, LLC d/b/a Marshall Livestock Auction, is suspended as a registrant under the Act for a period of three (3) years and Respondents Carey Jones, and Martha Jones are prohibited from registering to engage in business as a market agency selling on commission subject to the Act for a period of three (3) years. Pursuant to section 312(b) (7 U.S.C. § 213(b)), JLA, LLC d/b/a Marshall Livestock Auction, Carey Jones, and Martha Jones are jointly and severally assessed a civil penalty in the amount of thirty

;three thousand dollars ($33,000.00) which will be held in abeyance subject to the terms and conditions set forth below.

Upon application to the Packers and Stockyards Program, a supplemental order may be issued terminating the suspension of the registration of Respondent JLA, LLC d/b/a Marshall Livestock Auction under the Act and/or permitting Respondents Carey Jones, and Martha Jones to be registered with the Secretary of Agriculture to engage in business as a market agency selling on commission subject to the Act at any time after thirty (30) days upon demonstration of circumstances warranting modification of this Order. The circumstances warranting modification of this Order are that the civil penalty held in abeyance has been paid and that Respondents' "Custodial Account for Shippers' Proceeds" is in conformity with the provisions of section 201.42 of the regulations (9 C.F.R. § 201.42).

If Respondents violate the terms of this Order by operating subject to the Act as a market agency selling on commission during the period of time that they are suspended and/or prohibited from registering to operate as a market agency selling on commission subject to the Act, then the civil penalty held in abeyance shall become due and payable. Respondents will have ten (10) days after receiving written notification from the Deputy Administrator of the Packers and Stockyards Program, indicating that the terms of this Order have been violated, to make full payment of the $33,000.00 civil penalty held in abeyance without further procedure or hearing.

Nothing is this Consent Decision prohibits respondent Carey Jones from registering as a dealer buying and selling livestock in commerce, provided that such registration is done in accordance with the terms of the Consent Decision entered in P & S Docket No. D-12-0243.

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective on the sixth day after service of this consent decision and order on the Respondents.

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.

this 1st day of February, 2013

[redacted]

Janice K. Bullard
Administrative Law Judge

JLA, LLC d/b/a Marshall Livestock Auction, Respondent

By: [redacted]

Title: Member

[redacted]

Carey Jones
Respondent

[redacted]

Martha Jones
Respondent

[redacted]

Ernest H. Van Hooser
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