

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)	
)	
)	
Dixie Livestock Market, Inc.)	P & S Docket No. 13-0258
)	
and)	
)	
Tammy Sikes,)	P & S Docket No. 13-0259
)	
)	
Respondents)	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), 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 Respondents Dixie Livestock Market, Inc. and Tammy Sikes willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.) (Regulations). This Consent Decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

Respondents Dixie Livestock Market, Inc. and Tammy Sikes 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 agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this Consent Decision.

Complainant agrees to the entry of this Consent Decision.

Findings of Fact

1. Dixie Livestock Market, Inc. (Respondent Dixie) is a corporation organized and existing under the laws of the State of Georgia with a mailing address of PO Box 610, Collins, Georgia 30421.
2. Respondent Dixie is, and at all times material to the Complaint was:
 - (a) Engaged in the business of conducting and operating a stockyard, Dixie Livestock Market, Inc. No. GA224, physically located at 133 Old Highway 46, Oak Park, Georgia 30401, which is posted under and subject to the provisions of the Act;
 - (b) Engaged in the business of a market agency selling livestock in commerce on a commission basis; and
 - (c) Registered with the Secretary of Agriculture as a market agency selling livestock in commerce on a commission basis.
3. Respondent Tammy Sikes is an individual with a mailing address of PO Box 610, Collins, Georgia 30421.
4. Respondent Tammy Sikes is, and at all times material to the Complaint was:
 - (a) Chief Financial Officer of Respondent Dixie;
 - (b) Secretary of Respondent Dixie;
 - (c) Owner of 49 percent of Respondent Dixie;
 - (d) Engaged in the business of conducting and operating Respondent Dixie, a stockyard posted under and subject to the provisions of the Act; and

- (e) Responsible for the direction, management, and control of Respondent Dixie's accounts and records.

Conclusion

Respondent Dixie and Respondent Tammy Sikes having admitted the jurisdictional facts and the parties having agreed to the entry of this Consent Decision, the Consent Decision will be entered.

Order

Respondent Dixie and Respondent Tammy Sikes, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from:

1. Collecting commissions for livestock that was neither consigned to Respondent Dixie nor sold through the ring at Respondent Dixie;
2. Otherwise engaging in any act, practice, or course of business for the purpose of obtaining money from the purchasers of livestock by false or deceptive pretenses, or which operates or would operate as a false or deceptive pretense upon any person in connection with the purchase or sale of livestock;

3. Generating or permitting to be generated, at the request or direction of another person, false or misleading records in connection with activities subject to the Act, including, but not limited to

- (a) Purchase invoices and accounts of sale that listed livestock as being purchased or consigned under false names;
- (b) Purchase invoices and accounts of sale that falsely represented that livestock had been resold through the ring at Respondent Dixie that had been purchased at Respondent Dixie earlier the same day;
- (c) Purchase invoices and accounts of sale that listed fabricated prices for livestock;
- (d) Purchase invoices and accounts of sale that listed fabricated weights for livestock;
- (e) Purchase invoices that listed purchase prices for livestock that were higher than the actual purchase prices; and
- (f) Accounts of sale that falsely represented that livestock had been consigned to Respondent Dixie and sold through the ring at Respondent Dixie;

4. Otherwise entering into, continuing in, or cooperating in any agreement, arrangement, understanding, or course of business with any person for the purpose of aiding or assisting such person to obtain money from the purchasers of livestock by false or deceptive pretenses, or which enables such person to engage in a practice which operates or would operate as a false or deceptive pretense upon any person in connection with the purchase or sale of livestock;

5. Making, issuing, or circulating any false or misleading record concerning the prices or sale of livestock;
6. Failing to otherwise operate in compliance with section 201.53 of the Regulations (9 C.F.R. § 201.53);
7. Failing to base the payment of livestock on the actual weight of the livestock in accordance with section 201.55 of the Regulations (9 C.F.R. § 201.55); and
8. Failing to otherwise operate in compliance with section 201.55 of the Regulations (9 C.F.R. § 201.55).

Respondent Dixie and Respondent Tammy Sikes shall keep and maintain accounts, records, and memoranda, which fully and correctly disclose the true nature of all transactions involved in their business subject to the Act as required by section 401 of the Act (7 U.S.C. § 221), including, but not limited to, purchase invoices and accounts of sale which completely and accurately reflect the true nature of the transactions.

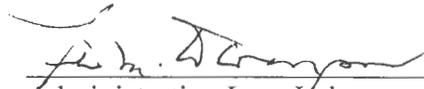
In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent Dixie and Respondent Tammy Sikes are assessed, jointly and severally, a civil penalty in the amount of Thirty-Eight Thousand Seven Hundred Fifty Dollars (\$38,750.00) to be paid in accordance with the provisions of the Understanding With Respect to Civil Penalty entered into by the parties.

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 day after service of this Consent Decision and Order on Respondent Dixie and Respondent Tammy Sikes.

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

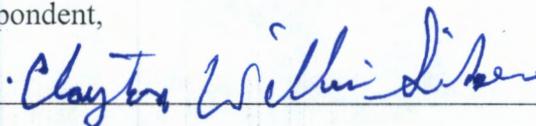
Done at Washington, D.C.

this 17th day of March, 2014

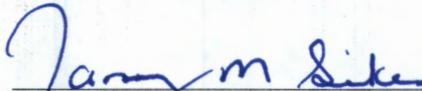


Administrative Law Judge

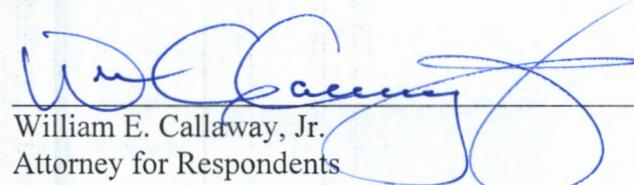
Dixie Livestock Market, Inc.,
Respondent,

By: 

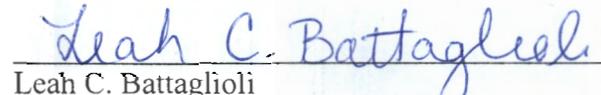
Title: PRESIDENT



Tammy Sikes
Respondent



William E. Callaway, Jr.
Attorney for Respondents



Leah C. Battaglioli
Attorney for Complainant