

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

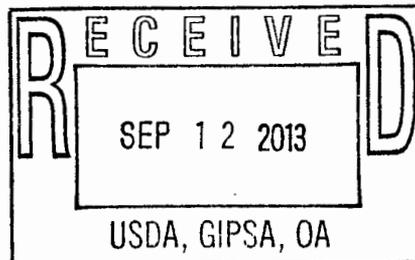


In re: ) P. & S. Docket No.13-0264  
)  
Gary Fulton, )  
)  
Respondent ) Decision Without Hearing by Reason  
) of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) (Act), by a Complaint filed by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent willfully violated the Act and regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.)(regulations). This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

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.

Complainant agrees to the entry of this decision.



### Findings of Fact

1. Gary Fulton, referred to herein as the Respondent, is an individual whose mailing address is Route 1, Box 40, Lewistown, Illinois 61542.

(b) Respondent is, and at all times material herein was:

(1) Engaged in the business of a dealer buying and selling livestock in commerce for his own account; and

(2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce, and as a market agency to buy livestock in commerce on a commission basis and to provide clearing services.

### Conclusions

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

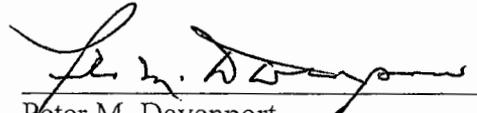
### Order

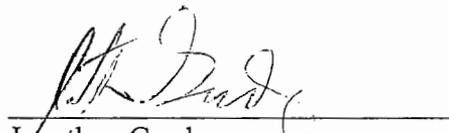
Respondent, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of five thousand dollars (\$5,000).

The provisions of this order shall become final and effective on issuance.

Done at Washington, D.C.  
this 29<sup>th</sup> day of August, 2013

  
Peter M. Davenport  
Administrative Law Judge

  
Jonathan Gordy  
Attorney for Complainant

  
Gary Fulton  
Respondent