

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: )  
 ) P&S Docket No. 15-0033  
Don Forester )  
 )  
and )  
 )  
Athens Commission Company, Inc. ) P&S Docket No. 15-0034  
 )  
 )  
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.*), hereinafter referred to as the “Act,” and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*), hereinafter referred to as the “regulations” 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 willfully violated the Act and 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).

The respondents 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 decision.

The complainant agrees to the entry of this decision.

### Findings of Fact

(1) Respondent Athens Commission Company, Inc. is a corporation organized under the laws of the State of Texas, with its principal place of business located 2800 Highway 31 West, Athens, TX 75751. The respondent corporation's mailing address is P.O. Box 183, Athens, TX 75751. Its registered agent for service of process is Don Forester, P.O. Box 183, Athens, Texas 75751.

(2) Respondent Athens Commission Company, Inc., under the direction, management, and control of Respondent Don Forester, is, and at all times material herein 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 selling livestock in commerce on a commission basis.

(3) Respondent Don Forester is an individual. The respondent's mailing address will not be provided to protect the privacy of Respondent Don Forester.

(4) Respondent Don Forester is, and at all times material herein was:

- (a) A 50% owner of Respondent Athens Commission Company, Inc., and
- (b) Responsible for the day-to-day direction, management and control of Respondent Athens Commission Company, Inc., including the acts and practices referred to in the complaint.

### Conclusions

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

Order

Respondents Don Forester and Athens Commission Company, Inc., their agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from failing to properly maintain and use their custodial account.

In accordance with section 312(b) of the Act (7 U.S.C. §213(b)), the respondents are further assessed, jointly and severally, a civil penalty of four thousand dollars (\$4,000.00).

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 the respondents.

Copies of this decision shall be served upon the parties.

Respondent Athens Commission Company, Inc.

By Don Forester  
DON FORESTER, President

Don Forester  
DON FORESTER  
Respondent

Ernest H. Van Hooser  
ERNEST VAN HOOSER  
Attorney for Respondents

Darlene M. Bolinger  
DARLENE M. BOLINGER  
Attorney for Complainant

Done at Washington, D.C.

this 29<sup>th</sup> day of JANUARY, 2015

Jill S. Clifton  
for JILL S. CLIFTON  
Administrative Law Judge