

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D-04-0013
)
Tim Cherry)
)
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 “the Act”, by a Complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondent violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). This decision is entered pursuant to the consent decision provision of the Rules of Practice 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.

The Complainant agrees to the entry of this Decision.

Findings of Fact

(1) Tim Cherry, hereinafter referred to as the Respondent, is an individual whose mailing address is 3800 Trousdale Ferry Pike, Lebanon, Tennessee 37087.

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

(a) Engaged in the business of buying and selling livestock as a dealer in commerce for the account of others and buying livestock as a market agency in commerce on a commission basis; and

(b) Subject to registration 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.

Conclusions

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

Order

Respondent Tim Cherry, 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:

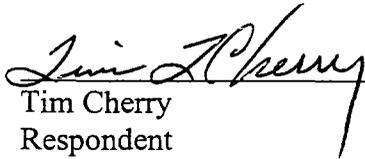
1. Engaging in business in any capacity for which registration is required under the Packers and Stockyards Act, as amended and supplemented, and the regulations, without registering as required by the Act and the regulations;

2. Engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act, as amended and supplemented, and the regulations, without filing and maintaining an adequate bond or its equivalent, as required by the Act and the regulations.

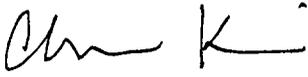
In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent is assessed a civil penalty of \$250.00.

The provisions of this order shall become effective on the sixth day after service of this order on Respondent.

Copies of this decision shall be served upon the parties.



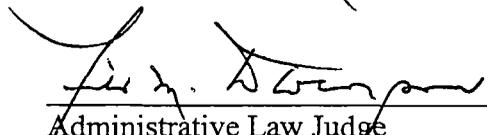
Tim Cherry
Respondent



Clara Kim
Attorney for Complainant

Issued in Washington, D.C.

this 5th day of May, 2006



Administrative Law Judge
PETER M. DAVENPORT