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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In Re:

EL CAMPO LIVESTOCK CO., INC. § P. & S. Docket No. D-09-0144
AND JOHN BANKER, 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, by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, alleging that the Respondents wilfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.). This Consent Decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

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.

Complainant agrees to the entry of this decision.

Findings of Fact

1. El Campo Livestock Co., Inc., hereinafter referred to as the Corporate Respondent, is a Texas corporation whose business address is 2709 S. Hwy 71, El Campo, TX 77437.

CC: Bonnett

2. The Corporate Respondent is and at all times material herein was:

(a) Engaged in the business of selling livestock in commerce on a commission basis; and

(b) Registered with the Secretary of Agriculture as a market agency to sell livestock on commission.

3. John Banker, hereinafter referred to as the Individual Respondent, is an individual whose business address is 2709 S. Hwy 71, El Campo, TX 77437.

4. The Individual Respondent at all times material herein was:

(a) President and 100 percent owner of the Corporate Respondent;

(b) The individual who managed, directed, and controlled the daily operations of the Corporate Respondent; and

(c) The individual engaged in the business of a market agency selling livestock in commerce on a commission basis.

Conclusions

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

Order

Corporate Respondent El Campo Livestock Co., Inc., its officers, agents and employees, directly or through any corporate or other device, and Individual Respondent John Banker, his agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Packers and Stockyards Act, shall cease and desist from:

1. Failing to deposit in the Custodial Account for Shippers' proceeds; within the times prescribed in 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; and

2. Failing to otherwise maintain the Custodial Account for Shippers' proceeds in strict conformity with section 201.42 of the regulations (9 C.F.R. § 201.42).

In accordance with section 312(a) of the Act (7 U.S.C. § 213(b)), Respondents are assessed, jointly and severally, a civil penalty in the amount of Four Thousand Dollars (\$4,000.00).

The provisions of this Order shall become effective on the sixth day after service on Respondents.

Copies of this decision shall be served upon the parties.

Approved by:

EL CAMPO LIVESTOCK CO., INC.
Respondent

By John Banker

JOHN BANKER
President

John Banker

JOHN BANKER
Respondent

William P. Martin

WILLIAM P. MARTIN
Attorney for Respondents

Charles Kendall

CHARLES KENDALL
Attorney for Complainant

Issued this 21st day of June, 2010

Peter M. Davenport
PETER M. DAVENPORT
Administrative Law Judge