ORIGINAL

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P & S Docket No. D-12-0009
Williams Cattle Co., Inc.,	)	
Respondent	)	Decision Without Hearing By Reason of Consent

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 the Respondent willfully violated the Act. 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 Statues (7 C.F.R. § 1.138) (Rules of Practice).

The 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 consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

1. Williams Cattle Co., Inc., (Respondent), is a corporation organized and existing under the laws of the state of Kentucky. Respondent's mailing address is P.O. Box 447, London, Kentucky, 40743.
2. Respondent, at all times material herein, was:
    a. Engaged in business as a dealer, buying and selling livestock in commerce; and
    b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

Conclusion

Respondent 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 Williams Cattle Co., Inc., its 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 failing to pay, when due, the full purchase of livestock.

Respondent is assessed a civil penalty of eight thousand dollars ($8,000.00), payable in twelve (12) installments. Respondent shall send a certified check or money order for the first installment of eight hundred fifty dollars ($850.00), payable to the Treasurer of the United States, to:

USDA—GIPSA
P.O. Box 790335
St. Louis, MO 63197-9000

within thirty (30) days from the effective date of this Order. The certified check or money order

shall include the docket number of this proceeding. The second installment of six hundred fifty dollars ($650.00) shall be due on or before June 1, 2012, and the remaining ten (10) installments of six hundred fifty dollars ($650.00) each shall be due on or before the first day of each month thereafter until the eight thousand dollars ($8,000.00) civil penalty is paid in full. Each monthly installment shall be paid by a certified check or money order payable to the Treasurer of the United States at the mailing address listed above. Each certified check or money order shall include the docket number of this proceeding.

If Respondent fails to pay any part of the eight thousand dollars ($8,000.00) civil penalty in accordance with the schedule of payments set forth herein, the Administrator, GIPSA, reserves the right to request a hearing and to seek the full amount of the civil penalties for all violations of the Act and regulations that Respondent is alleged to have committed up to and including the effective date of this order, minus any amount already paid pursuant to this order.

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective upon issuance (7 C.F.R. § 1.138).

Copies of this decision and order shall be served upon the parties.

Done at Washington, D.C.

this 27th day of May, 2012

[redacted]

Administrative Law Judge

Williams Cattle Co., Inc.
Respondent,

By: [redacted]

Title: Pres.

[redacted]

Hon. Joe T. Roberts
Attorney for Respondent

[redacted]

Ciarra A. Toomey
Attorney for Complainant