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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 12-0357

In re: Ronald Ryan Shepard, Jr., a/k/a
Ronald Ryan Sheppard, Jr., a/k/a
Ron Shephard, Jeremy E Pierce,
Brookfield Cattle Company, LLC,

Respondents

Default Decision and Order as to Ronald Ryan Shephard, Jr.

Preliminary Statement

This disciplinary proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181 et seq.), by a Complaint filed on April 12, 2012, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (Complainant), alleging that respondents herein willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. §§ 201.1 et seq.).

On April 13, 2012, copies of the complaint were sent to Respondents by certified mail. Respondent Brookfield Cattle Company, LLC, was served with a copy of the complaint on April 17, 2012.[1] Respondent Ronald Ryan Shepard, Jr. was served with a copy of the complaint on April 24, 2012.[2] Respondent Jeremy E. Pierce was served with a copy of the complaint on May 21, 2012.[3]

On July 5, 2012, a Show Cause Order was issued directing the parties to show cause no

[1] USPS Certified Mail # 70051160000278361270
[2] USPS Certified Mail # 70051160000278361287
[3] USPS Certified Mail # 70051160000278362758

later than fifteen days from the date of that Order why a Default Decision and Order should not be entered. Pursuant to said Order, on July 17, 2012, Complainant filed a Motion for Adoption of Proposed Default Decision and Order and filed therewith an accompanying Proposed Default Decision and Order. On August 7, 2012, prior to action having been taken as to the Motion for Default, Respondents Jeremy E. Pierce and Brookfield Cattle Company, LLC entered into a Consent Decision and Order with Complainant which was issued on that date.

The sole remaining Respondent in the case Ronald Ryan Shepard, Jr. (Shepard) failed to file an answer within the time period prescribed by the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.136), and the material facts alleged in the complaint, will be deemed admitted due to Shepard's failure to file an answer. Accordingly the following Findings of Fact, Conclusions of Law and Order will be entered pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Respondent Ronald Ryan Shepard, Jr., also known as Ronald Ryan Sheppard, Jr., and also known as Ron Shephard (Shepard) is an individual whose home address is in the State of Illinois.

2. Shepard at all times material herein was:

a. Engaged in the business of a dealer buying and selling livestock in commerce;

b. Not registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce;

c. Responsible for the direction, management and control of buying activities for Respondent Brookfield Cattle Company, LLC; and

3. On or about April 11, 2011, the Midwestern Regional Office, Packers and Stockyards

Program, Grain Inspection, Packers and Stockyards Administration (GIPSA) sent Respondent Shepard a Notice of Default (NOD) by certified mail, which Shepard received on or about April 13, 2011. The NOD stated that GIPSA had information indicating that Shepard was engaged in the business of buying and selling livestock in commerce. The NOD informed Respondent that buying and selling livestock in commerce without being properly registered with GIPSA and without filing a bond or bond equivalent are violations of the Act and regulations issued thereunder. The NOD warned Respondent that failure to comply with the registration and bonding requirements would result in appropriate corrective action. Relevant provisions, forms and instructions for registration and bonding were enclosed with the NOD.

4. On or about January 9, 2012, the Midwestern Regional Office, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA) sent Respondents Pierce and Brookfield Cattle Company, LLC, a Notice of Default (NOD) by certified mail, which the Respondents received on or about January 11, 2012. The NOD stated that GIPSA had information indicating that they were engaged in the business of buying and selling livestock, in commerce. The NOD informed these Respondents that buying and selling livestock in commerce without properly being registered with GIPSA and without filing a bond or bond equivalent are violations of the Act and regulations issued thereunder. The NOD warned Respondents that failure to comply with the registration and bonding requirements would result in appropriate corrective action. Relevant provisions, forms and instructions for registration and bonding were enclosed with the NOD.

5. During the period between August 4, 2001 and March 15, 2012, Respondent Shepard issued checks in payment for livestock purchases which were returned unpaid by the bank upon which they were drawn because Respondent did not have and maintain sufficient funds on

deposit and available in the account upon which the checks were drawn to pay them when presented.

6. During the period between August 4, 2011 and March 15, 2012, Respondent Shepard purchased livestock and failed to pay, when due, the full purchase price of such livestock.

7. During the period between August 6, 2011 and March 22, 2012, Respondent Shepard purchased livestock and failed to pay for such livestock.

8. Beginning in April 2011, and continuing through March of 2012, Respondent Shepard engaged in the business of a dealer buying and selling livestock in commerce without maintaining a bond or bond equivalent.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.

2. Respondent Shepard was the *alter ego* of Brookfield Cattle Company, LLC.

3. Respondent Shepard willfully violated sections 312(a) (7 U.S.C. § 213(a)) and 409 (7 U.S.C. § 228b) of the Act, 7 U.S.C. § 204, and sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29 and 201.30).

Order

1. Respondent Ronald Ryan Shepard, Jr., 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:

a. Failing to pay and failing to pay, when due, the full purchase price of livestock as required by section 409 of the Act (7 U.S.C. § 228b);

b. Failing to have and maintain sufficient funds on deposit and available in the account upon which checks are drawn to pay them when presented; and

c. Buying and selling livestock in commerce without maintaining an adequate bond or bond equivalent.

d. Engaging in any business subject to the Act without being registered with the Packers and Stockyards Program.

2. Respondent Shepard is prohibited from being registered and engaging in any activities for which registration is required under the Act for a period of ten years. After the expiration of this 10-year time period, Shepard may submit an application for registration to the Packers and Stockyards Program along with the required bond or bond equivalent.

3. Respondent Shepard is assessed a civil penalty in the amount of five-hundred and eighty-two thousand dollars ($582,000.00). Within ten (10) days of service of this Decision and Order, Respondent Shepard shall send a certified check or money order, payable to the Treasurer of the United States and marked with the docket number of this proceeding, and totaling in the amount of five-hundred and eighty-two thousand dollars ($582,000.00) to:

USDA – GIPSA
P.O. Box 790335
St. Louis, MO 63179-0335

4. This Decision and Order shall become final and effective without further proceedings thirty-five (35) days after service on Respondent Shepard, unless appealed to the Judicial Officer by a party to the proceeding within thirty (30) days after service as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139, 1.145).

Copies of this Decision and Order shall be served upon the parties.

October 25, 2012

Peter M. Davenport
Chief Administrative Law Judge