

USDA
CA/10/HC
MAY 18 PM 4:16

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

P. & S. Docket No. D-07-0078

Anton L. Wald Jr. and John B. Wald,
doing business as Wald Livestock,

Decision by Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) (“Act”), by a Complaint filed March 8, 2007, by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondents willfully violated the Act and regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). The Complaint alleged that Respondents failed to pay, when due, the full amount of the purchase price of livestock within the time period required by section 409 (7 U.S.C. § 228b) of the Act to two livestock sellers by making payment between 5 and 28 days beyond the date that payment was due. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes 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. Anton L. Wald and John B. Wald, doing business as Wald Livestock, a partnership, are individuals whose business address is: 47 Rhine Dr., Kenner, LA 70065.
2. Respondents at all times material to this complaint were:
 - a. Engaged in the business of a dealer, buying and selling livestock in commerce for their own account and the accounts of others; and
 - b. Registered as a partnership with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency buying on commission.

Conclusions

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

Respondents, their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and desist from failing to pay, when due, the full amount of the purchase price of livestock as required by Section 409 of the Act (7 U.S.C. § 228b).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are assessed jointly and severally a civil penalty in the amount of five thousand dollars (\$5,000).

The provisions of this order shall become final and effective on issuance.

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.

this 18 day of January, 2008

~~_____~~

Administrative Law Judge

Jill S. Clifton

~~_____~~
John B. Wald

~~_____~~
Anton L. Wald, Jr.

~~_____~~
Wayne Douglas Mancuso
Attorney for Respondent

~~_____~~
Jonathan Gordy
Attorney for Complainant