

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D-02-0014 RECEIVED
)
Sheridan Livestock, Inc. and)
)
Gib Lloyd,)
)
)
Respondents) Decision Without Hearing
) By Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), by a complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondents 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).

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.

The Complainant agrees to the entry of this decision.

Findings of Fact

1. Sheridan Livestock, Inc., hereinafter referred to as "Corporate Respondent," is a corporation organized and existing under the laws of the State of Wyoming, with a mailing address of P.O. Box 6628, Sheridan, Wyoming 82801.

2. Corporate Respondent, at all times material herein, was:

- (a) Engaged in the business of conducting and operating a posted stockyard subject to the provisions of the Act, hereinafter referred to as "the stockyard";
- (b) Engaged in the business of a market agency selling livestock in commerce on a commission basis at the stockyard;
- (c) Engaged in the business of a dealer buying and selling livestock in commerce for its own account; and
- (d) Registered with the Secretary of Agriculture as a market agency to sell livestock in commerce on a commission basis.

(3) Gib Lloyd, hereinafter the "Individual Respondent," at all times material herein was:

- (a) President of Corporate Respondent;
- (b) 98 percent shareholder of Corporate Respondent;
- (c) The manager of Corporate Respondent; and
- (d) Responsible for the direction, management and control of Corporate Respondent.

(4) By reason of the facts alleged in (3) above, Individual Respondent Gib Lloyd is the *alter ego* of Corporate Respondent, Sheridan Livestock, Inc.

Conclusions

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

Order

Corporate Respondent Sheridan Livestock, Inc. and its *alter ego*, Gib Lloyd, its agents and employees, directly or through any corporate or other device, in connection with its operations subject to the Packers and Stockyards Act, shall cease and desist from failing to maintain and use properly its Custodial Account for Shipper's Proceeds ("custodial account").

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Corporate Respondent Sheridan Livestock, Inc. and its *alter ego*, Gib Lloyd, are jointly and severally assessed a civil penalty in the amount of Two Thousand Dollars (\$ 2,000.00).

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

Copies of this decision shall be served upon the parties.

by Gib Lloyd, Pres. - manager
Respondent Sheridan Livestock, Inc.

Gib Lloyd
Gib Lloyd

Charles L. Kendall
Charles L. Kendall
Attorney for Complainant

Issued this 16th day of September, 2002

James Hunt
Administrative Law Judge