

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

USDA
GALJ/ECO

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In re:)	P. & S. Docket No. D-03-0014
)	
Weldon Mack Glidewell, d/b/a)	
Mineral Wells Stockyards Company)	
and Weatherford Stockyards Company)	
)	
Respondent)	Decision

RECEIVED

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 ~~et seq.~~), (hereinafter "the Act"), by a complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture alleging that the Respondent has willfully 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 provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

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 decision.

Complainant agrees to the entry of this decision.

Findings of Fact

(1) Weldon Mack Glidewell, doing business as Mineral Wells Stockyards Company and Weatherford Stockyards Company, hereinafter referred to as Respondent, is an individual whose



business mailing address is P.O. Box 968, Mineral Wells, Texas 76068.

(2) The Respondent is, and at all times material herein was:

(a) Engaged in the business of conducting and operating Mineral Wells Stockyards Company and Weatherford Stockyards Company, posted stockyards subject to the provisions of the Act;

(b) Engaged in the business of a market agency selling livestock on a commission basis at the stockyards;

(c) Engaged in the business of a dealer buying and selling livestock for his own account in commerce;

(d) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis and furnish stockyard services; and

(e) Registered with the Secretary of Agriculture as a dealer buying and selling livestock for his own account in commerce.

Order

Respondent, his agents and employees, directly or through any corporate or other device, in connection with his activities 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 time prescribed by section 201.42 of the regulations (9 C.F.R. § 201.42), an amount equal to the proceeds receivable from the sale of consigned livestock; and

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

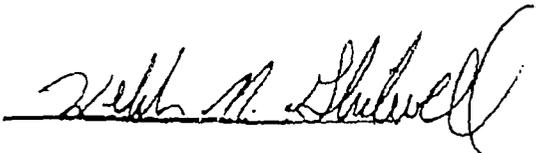


3. Withdrawing market commissions and yardage fees for weekly services from the Custodial Account for Shippers' Proceeds while there are insufficient funds in the custodial account to pay consignors the net proceeds from the sale of consigned livestock or to pay sellers the purchase price of consigned livestock bought by Respondent at Respondent's stockyards.

Respondents are jointly and severally assessed a civil penalty in the amount of seven thousand dollars (\$7,000), payable on or before the effective date of this order.

The provisions of this order shall become effective on the sixth (6th) day after service of this order on Respondent.

Copies of this decision shall be served upon the parties.

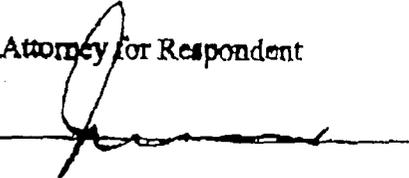


Weldon Mack Glidewell



John R. Cook

Attorney for Respondent



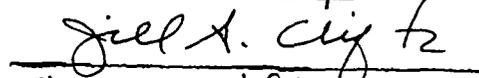
Christopher Young-Morales

Attorney for Complainant



Issued in Washington D.C.

this 22 day of JULY, 2003 ^{4 JSC}



Jill S. Clifton
Administrative Law Judge