

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) P. & S. Docket No. D-09-0110  
 )  
Warren Hudspeth )  
 )  
Respondent )  
 ) Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.; hereinafter "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 (hereinafter "Complainant"), alleging that 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; hereinafter "Rules of Practice").

Warren Hudspeth 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. Warren Hudspeth (hereinafter "Respondent"), is an individual whose mailing address is P.O. Box 1089, Pilot Point, Texas 76258.

2. At all times material to the Complaint, Respondent was:
  - (a) Engaged in the business of buying and selling livestock in commerce as a dealer for his own account and for the account of others; and
  - (b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account and for the account of others.

#### 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 Warren Hudspeth, his agents and employees, directly or through any corporate or other device, in connection with his operations subject to the Act, shall cease and desist from:

1. Issuing checks in purported payment of livestock purchases without having and maintaining sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented;
2. Failing to pay, when due, the full purchase price of livestock; and
3. Failing to pay the full purchase price for livestock purchases.

Respondent's individual dealer registration with the Packers and Stockyards Program, Registration No. 2987266, is hereby suspended for a period of five (5) years pursuant to 7 U.S.C. § 204. However, during the suspension period, Respondent is permitted to continue his registration with the Packers and Stockyards Program as a clearee operating as a market agency buying on commission under the clearor bond of Curt Wilson Company, Lake City, Florida, Registration No. 12761, provided that Respondent operates in accordance with the provisions of


the Understanding With Respect to Clearee Operations entered into by the parties. In addition, upon application to the Packers and Stockyards Program, a supplemental order may be issued terminating the suspension of Respondent's individual dealer registration, Registration No. 2987266, at any time after the expiration of 120 days of the suspension term upon Respondent's demonstration that the unpaid livestock seller identified in the Complaint has been paid in full.

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 on the sixth (6th) day after service on Respondent.


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


Issued in Washington, D.C.

this 9 day of August, 2010

  
Administrative Law Judge

Jill S. Clifton

  
Warren Hudspeth  
Respondent

  
Leah C. Battaglioli  
Attorney for Complainant