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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	P & S Docket No. D-10-0062
	)	
Terry Roth d/b/a Indian Creek Meadows,	)	
	)	
Respondent	)	Decision Without Hearing By Reason of Consent

I

Preliminary Statement

This is a disciplinary proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.), herein referred to as the "Act," instituted by a Complaint filed on December 22, 2009 by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, charging that Terry Roth d/b/a Indian Creek Meadows, hereinafter referred to as "Respondent," willfully violated the Act. 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 (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.

## II

Findings of Fact

- (a) Terry Roth is an individual doing business as Indian Creek Meadows (hereinafter "Indian Creek"), whose business mailing address is 418 State Highway BB, Millersville, Missouri 63766.
- (b) Terry Roth is and at all times material herein was:
- (1) One hundred percent owner of Indian Creek.
- (c) Terry Roth, at all times material herein, was:
- (1) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.

Conclusions

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


Order

Respondent is hereby suspended as a registrant under the Act for a period of five (5) years and assessed a civil penalty of ten thousand dollars (\$10,000.00) to be held in abeyance due to Respondent's financial situation. Except as provided below, respondent will not be obligated to pay the assessed penalty after 5 full years of suspension.


Upon application of Respondent to the Packers and Stockyards Program, a supplemental order may be issued terminating the suspension of Respondent at any time after 1 year upon demonstration by Respondent that he has obtained the required bond or bond equivalent and of circumstances warranting the termination. The circumstances warranting early termination of the suspension include payment of the civil penalty held in abeyance.

If Respondent violates the terms of this Order during the period of suspension, or as a condition for early termination of the suspension after 1 year, the civil penalty will become due and payable. Respondent will have 10 days from the date it receives written notice from the Deputy Administrator of the Packers and Stockyards Program, indicating that Respondent has violated the terms of this Order, to make full payment of the \$10,000 held in abeyance without further hearing or procedure.

The provisions of this Order shall become final and effective upon issuance (7 C.F.R. § 1.138).


  
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J. Patrick O'Loughlin, Esq.  
Attorney for Respondent

  
\_\_\_\_\_  
Terry Roth  
Respondent

  
\_\_\_\_\_  
Brian P. Sylvester, Esq.  
Attorney for Complainant

Done at Washington, DC

this 12<sup>th</sup> day of September 2010

  
\_\_\_\_\_  
Administrative Law Judge