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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-10-0066
)
Curtis Walton)
d/b/a Walton Livestock,)
)
)
)
Respondent) Decision Without Hearing
) By Reason Of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), (the Act), by a Complaint filed on December 23, 2009, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Respondent willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). Respondent filed an undated Answer in January 2010, generally denying the allegations.

The parties have now agreed to the entry of a Decision Without Hearing by Reason of Consent as set forth herein. This Decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.; 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, to the entry of this decision.

Findings of Fact

(1) Curtis Walton (Respondent) is an individual doing business in the State of Indiana. Respondent's business mailing address is 7386 F. Street, Rd 70, Evanston, Indiana 47513.

(2) Respondent is, and at all times material herein and to the Complaint was, engaged in the business of a dealer buying and selling livestock in commerce for his own account, and for the account of others as a market agency buying livestock on a commission basis.

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) Operating in any manner subject to the Packers and Stockyards Act without obtaining the necessary registration and bond as required by the Act and regulations; and
- 2) Marking up the purchase price of livestock and charging a commission on that same livestock, obtaining both a dealer profit and a commission fee as a market agency buying on commission for the same livestock in the same transactions.

Respondent shall keep accounts, records and memoranda that fully and correctly disclose all transactions involved in its business. Specifically, Respondent shall keep and maintain bank statements for all accounts, copies of returned checks, debit/credit memos, deposit slips, voided checks, cancelled checks and/or check images, bank reconciliations for all accounts, check registers, and outstanding checks.


Pursuant to section 312 of the Act (7 U.S.C. § 213), Respondent is assessed a civil penalty in the amount of \$4000.00, payable to the United States Treasury in at least monthly


increments of at least \$333.34, upon the effective date of this Order. The payment(s) shall be sent to the following address: USDA, GIPSA, P.O. Box 790335, St. Louis, MO 63179-0335.

Further, immediately upon the effective date of this Order, Respondent shall make restitution to the livestock sellers affected by the allegations set forth in paragraph IV of the Complaint, in the amounts of \$180.40 and \$396.40. Respondent shall submit proof of payment of restitution to Gale Mason of the Packers and Stockyards Program, at the following address: USDA, GIPSA, 1400 Independence Ave., S.W., Room 2420-South Bldg., Washington, D.C. 20250.


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

Copies of this decision shall be served upon the parties.


Curtis Walton
For Respondent


Christopher Young, Esq.
Attorney for Complainant

Issued in Washington, D.C.
this 18 day of MAY, 2011


Jill S. Clifton
Administrative Law Judge