

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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|---------------------|---|-------------------------------|
| In re: |) | P & S Docket No D-10-0006 |
| |) | |
| |) | |
| Gregory A. Mellott, |) | |
| |) | |
| Respondent |) | Decision by Reason of Consent |

This proceeding was instituted under the Packers and Stockyards Act, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act), by a Complaint filed on October 9, 2009, by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondent willfully violated the Act and 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 Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes 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. Gregory A. Mellott, hereinafter referred to as Respondent, is an individual whose mailing address is 1749 Mercerbargs Road, St. Thomas, Pennsylvania 17252.
2. At all times material to this Decision, Respondent was:
 - a. Engaged in the business of buying and selling livestock in commerce as a dealer for his own account; and
 - b. 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, its agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from failing to pay the full purchase price of livestock within the time period required by the Act.

Respondent is hereby suspended as a registrant under the Act for a period of sixty (60) days and assessed a civil penalty of five thousand dollars (\$5,000.00), both to be held in abeyance for sixty (60) days. Except as provided below, Respondent

will not be obligated to pay the assessed penalty or serve the suspension provided that he does not violate any of terms of this Order within sixty days from its effective date.

If Respondent violates the terms of this Order within sixty days from its effective date, the civil penalty will become due and payable and the sixty (60) days suspension term will begin immediately. 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 \$5,000 held in abeyance without further hearing or procedure.

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 upon issuance (7 C.F.R. § 1.138).

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.

this 15th day of September 2011


Administrative Law Judge



Donald L. Kornfield
Attorney for Respondent



Ciarra A. Toomey
Attorney for Complainant