

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
) P&S Docket No. D-11-0447
)
)
) Devon Perkins,
)
)
) Respondent) Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §§ 181 et seq.), by a complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that respondent Devon Perkins 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 provision of the rules of practice applicable to this proceeding (7 C.F.R. § 1.138).

The 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.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Devon Perkins, herein referred to as the respondent, is an individual whose business mailing address is P.O. Box 65, Irene, Texas 76650.

2. Respondent was, at all times material herein, engaged in the business of a market agency buying livestock in commerce on a commission basis.

Conclusions

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

Order

Respondent Devon Perkins, his agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act and regulations promulgated thereunder without filing and maintaining an adequate bond or its equivalent.

Respondent shall not engage in business in any capacity for which bonding is required under the Packers and Stockyards Act and the regulations promulgated thereunder without first becoming properly registered under the Act as required by section 201.10(a) of the regulations (9 C.F.R. § 201.10(a)).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondent is hereby assessed a civil penalty in the amount of seven thousand and five hundred dollars (\$7,500.00) of which two thousand and five hundred dollars (\$2,500.00) shall be held in abeyance for a period of three (3) years in accordance with the term and conditions set forth below. The remaining five thousand dollars (\$5,000.00) shall be made by check or money order payable to the Treasurer of the United States. The check or money order should include the docket number of this proceeding.

If the respondent, his agents, his agents and employees, directly or indirectly, through any corporate or other device, after being afforded an opportunity for hearing, is found to have violated the provisions of the cease and desist order during a period of three (3) years from the date of the effective date of this order, the two thousand and five hundred dollars (\$2,500.00) shall become due and payable. Respondents will have ^{twenty (20)} ~~thirty (30)~~ days after receiving written notification from the Deputy Administrator of the Packers and Stockyards Program, indicating that the terms of this Order have been violated, to make full payment of the two thousand and five hundred dollars (\$2,500.00) civil penalty held in abeyance without further procedure or hearing.

The provisions of this order shall become effective upon issuance.

Copies of this decision shall be served upon the parties.


Devon Perkins
Respondent


Jack T. Gannon
Attorney for Respondent


Lauren C. Axley
Attorney for Complainant

Done at Washington, D.C.

this 9th day of December, 2011


Administrative Law Judge