

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Comanche Livestock Auction, Inc.,)
)
and) P&S Docket No. 12-0425
)
W. Raymond Brown,)
)
and)
)
Jo Ann Brown,)
)
Respondents) 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 respondents Comanche Livestock Auction, Inc., and W. Raymond Brown, and Jo Ann Brown 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 respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, 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

(a) Respondent Comanche Livestock Auction, Inc. is a corporation organized under the laws of the State of Oklahoma, with its principal place of business located at County Road East W 181 and Meridian Road, Comanche, OK 73529. Its mailing address is P.O. Box 238, Comanche, OK 73529.

(b) Respondent W. Raymond Brown is an individual whose mailing address is P.O. Box 238, Comanche, OK 73529.

(c) Respondent Jo Ann Brown is an individual whose mailing address is P.O. Box 238, Comanche, OK 73529.

(d) Respondent Comanche Livestock Auction, Inc., under the direction, management, and control of respondents W. Raymond Brown and Jo Ann Brown, is, and at all times material herein was:

- (1) Engaged in the business of conducting and operating Comanche Livestock Auction, Inc., a stockyard posted under and subject to the provisions of the Act;
- (2) Engaged in the business of a market agency selling consigned livestock on a commission basis in commerce;
- (3) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis in commerce.

(e) Respondent W. Raymond Brown is, and at all times material herein was:

- (1) President of respondent Comanche Livestock Auction, Inc.;
- (2) Owner of 50% of respondent Comanche Livestock Auction, Inc.;
- (3) Responsible for the direction, management and control of respondent Comanche

Livestock Auction, Inc.

(f) Respondent Jo Ann Brown is, and at all times material herein was:

(1) Vice President, Secretary and Office Manager of respondent Comanche Livestock Auction, Inc.;

(2) Owner of 50% of respondent Comanche Livestock Auction, Inc.;

(3) Responsible for the direction, management and control of respondent Comanche Livestock Auction, Inc.

(g) Respondents W. Raymond Brown and Jo Ann Brown are, and at all times material herein were:

(1) Engaged in the business of conducting and operating Comanche Livestock Auction, Inc., a stockyard posted under and subject to the provisions of the Act;

(2) Engaged in the business of a market agency selling consigned livestock on a commission basis in commerce.

Conclusions

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

Order

Respondent Comanche Livestock Auction, Inc., Respondent W. Raymond Brown, and Respondent Jo Ann Brown, their agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from:

1. Failing to properly maintain their Custodial Account for Shippers' Proceeds in strict conformity with the Act and section 201.42 of the regulations (9 C.F.R. § 201.42);

2. Failing to deposit in the custodial account for shippers' proceeds, within the time prescribed by section 201.42 of the regulations (9 C.F.R. § 201.42), an amount equal to the proceeds receivable for sales of consigned livestock.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), the respondents are further assessed, jointly and severally, a civil penalty in the amount of five thousand dollars (\$5,000.00).

The provisions of this order shall become effective on the sixth day after service of this consent decision and order on the respondent.

Copies of this decision shall be served upon the parties.

Respondent Comanche Livestock Auction, Inc.

By


W. Raymond Brown
Respondent


Jo Ann Brown
Respondent


Ernest H. Van Hooser
Attorney for Respondent


Lauren Axley
Attorney for Complainant

Done at Washington, D.C.

this 30th day of July, 2012


Administrative Law Judge