

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
) P&S Docket No. 12-0502
)
Lacy Bowman Livestock Co., Inc.,)
and)
Lacy Bowman)
)
Respondents) Decision without Hearing
) by Reason of Consent

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 Lacy Bowman Livestock Co., Inc. and Lacy Bowman violated the Act. 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).

Respondents admit 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

(a) Respondent Lacy Bowman Livestock Co., Inc. was at all times material herein a corporation organized under the laws of the State of Virginia, and has its principal place of business and mailing address located at P.O. Box 488, Hillsville, Virginia, 24343.

(b) Respondent Lacy Bowman is an individual whose business mailing address is P.O. Box 488, Hillsville, Virginia, 24343.

(c) Respondent Lacy Bowman Livestock Co, Inc., under the direction, management, and control of Lacy Bowman, was at all times material herein:

(1) Engaged in the business of a dealer buying and selling livestock in commerce for his own account; and

(2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

(d) Respondent Lacy Bowman was at all times material herein:

(1) The president and sole owner of Lacy Bowman Livestock Co., Inc.; and

(2) Responsible for the direction, management and control of respondent Lacy Bowman Livestock Co., Inc.

(3) The *alter ego* of respondent Lacy Bowman Livestock Co., Inc.

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


Respondents, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from failing to pay, when due, the full purchase of livestock, as required by section 312(a) and 409 of the Act (7 U.S.C. § 213(a) and 228b).

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 Three Thousand Dollars (\$3,000.00).

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 on the sixth (6th) day of this Consent Decision and Order on the respondents (7 C.F.R. § 1.138).


Copies of this decision and order shall be served upon the parties.


Thomas M. Jackson
Attorney for Respondent


Lisa Jabaily
Attorney for Complainant

Done at Washington, D.C.

this 11 day of October, 2012


Administrative Law Judge