

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-11-0441
Stephen Conley)
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 Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondents wilfully 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 provisions of the 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 admit nor deny 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. Stephen Conley is an individual whose business mailing address is P.O. Box 988, Cooper, Texas 75432.

2. Stephen Conley, at all times material to this complaint, is:

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

(b) With Larry Conley, is responsible for the day-to-day direction, management, and control of the partnership of Conley & Conley Livestock.

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

3. Larry Conley is an individual whose business mailing address is P.O. Box 453, Cooper, Texas 75482.

4. Larry Conley, at all times material to this complaint, is:

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

(b) With Stephen Conley, was responsible for day-to-day direction, management, and control of the partnership of Conley & Conley Trading.

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

5. Conley & Conley Trading is a partnership made up of Respondents Larry Conley and Stephen Conley.

Conclusions

Respondents Stephen Conley having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondent Stephen Conley his agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and desist from failing to pay and failing to pay, when due, the full purchase price of livestock.

Respondent Stephen Conley shall keep records that fully and correctly disclose all transactions involved in their business, as required by section 401 of the Act (7 U.S.C. § 221), including load make-up records, purchases, sales, bank records, and receipts.

Respondent Stephen Conley, his agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and desist from operating as a dealer subject to the Act without maintaining an adequate bond or bond equivalent as required by the Act and the regulations.

Respondent Stephen Conley is suspended as a registrant under the Act for 5 years, and thereafter until he has been properly bonded as required by the Act and regulations.

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

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.

this 17th day of October, 2012

[Redacted]

Administrative Law Judge

Janice K Bullard

[Redacted]

Stephen Conley
Respondent

[Redacted]

Joyce Linquer
Attorney for Respondent

[Redacted]

[Redacted]

Jonathan D. Gordy
Attorney for Complainant