

USDA
C. J. OHC

2012 DEC 26 AM 10:34

UNITED STATES DEPARTMENT OF AGRICULTURE

RECEIVED

BEFORE THE SECRETARY OF AGRICULTURE

In re:) P&S Docket No. D-13-0059
)
Johnny Dobson)
)
Respondent.) Decision Without Hearing By
Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*), hereinafter referred to as the “regulations” 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 the Respondent willfully violated the Act and the regulations promulgated thereunder.

Complainant and respondent have now agreed to entry of this Decision, without hearing or further procedure, pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (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 consent decision.

Findings of Fact

Respondent Johnny Dobson is, and at all times material herein was:

- (a) Engaged in the business of a market agency buying livestock on a commission basis in commerce: and
- (b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce, but his registration was made inactive on September 1, 2010, at the respondent's request.

Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this Decision, this Decision will be entered.

Order

Respondent Johnny Dobson, his agents and employees, directly or through any corporate or other device, in connection with Respondent's activities subject to the Packers and Stockyards Act, shall cease and desist from engaging in the business of a market agency buying livestock on a commission basis in commerce without maintaining an adequate bond or bond equivalent.

Respondent Johnny Dobson is prohibited from being registered and from engaging in any activities for which registration is required under the Act for a period of thirty (30)

days and thereafter until such time as respondent demonstrates to the satisfaction of GIPSA that he has an adequate bond or bond equivalent and that he is in full compliance with the Act. Provided that respondent demonstrates to the satisfaction of GIPSA that he has an adequate bond or bond equivalent and that he is in full compliance with the Act, after the expiration of the initial 30-day period, upon application to GIPSA, a supplemental order may be issued terminating the prohibition on respondent. At such time and thereafter, any application for registration that respondent may file with GIPSA will be processed in accordance with standard GIPSA procedures.

This Order shall have the same force and effect as if entered after full hearing.

This Order shall become effective on the sixth day after service on the respondent.

Copies of this Decision and Order shall be served on the parties.



JOHNNY DOBSON
Respondent



DARLENE M. BOLINGER
Attorney for Complainant

Issued in Washington D.C.

this 20th day of December, 2012



ADMINISTRATIVE LAW JUDGE