

ORIGINAL

Gold Weens

Fax: 318-445-6476

USDA
OIA/VOHC

2013 FEB 11 AM 11:46

FILED

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P&S Docket No. D-12-0028
)	
Gary Thompson,)	
)	
Respondent)	Consent Decision

This is a disciplinary proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181-229) (the Act), instituted by a Complaint filed by the Deputy Administrator of Packers and Stockyards Program on October 19, 2011. The Complaint alleged that Respondent violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b) by failing to pay for \$327,382.47 in livestock purchases from two livestock markets in Louisiana. The Complaint further alleged that Respondent violated section 401 of the Act (7 U.S.C. § 221) by failing to keep and maintain bank statements, a check register, deposit slips, invoices, load make-up records, and copies of third-party checks used to pay for livestock.

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 proceedings under the Act (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 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.

Findings of Fact

1. Respondent Gary Thompson is an individual whose business mailing address is his home address in the State of Louisiana.
2. At all times material to the allegations in the Complaint, Respondent was:
 1. Engaged in the business of buying and selling livestock in commerce; and
 2. Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce.

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 Gary Thompson, his agents and employees, directly, or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from:

1. Purchasing livestock and failing to pay for such livestock purchases within the time period required by the Act.

Respondent Gary Thompson shall keep and maintain accounts, records, and memoranda which fully and accurately disclose the true nature of his operations subject to the Act, including, but not limited to, bank statements, a check register, deposit slips, invoices, load make-up records, and copies of third-party checks used to pay for livestock.

Respondent Gary Thompson is suspended as a registrant under the Act for a period of ten (10) years.

Upon application to the Packers and Stockyards Program, a supplemental order may be issued terminating the suspension of the registration of Respondent Gary Thompson under the Act at any time after thirty (30) days upon demonstration of circumstances warranting modification of this Order. Circumstances warranting modification of this Order include payment in full to the affected livestock sellers listed in the Complaint. Proof of payment to affected livestock sellers shall be sent to the Packers and Stockyards Program, Policy and Litigation Division at the following address: 1400 Independence Ave., Washington, DC 20250-3646. Proof of payment may include, but is not limited to, a statement from the bank holding an account created by Respondent to pay the livestock sellers or an affidavit or declaration from Respondent or an administrator tasked with managing payments to livestock sellers. Such statement, affidavit, or declaration should reflect each seller's name, the payment check numbers, the check amounts, and the dates that each check was cashed. In its sole discretion, the Packers and Stockyards Program may verify any payments claimed by Respondent.

Copies of this Decision and Order shall be served on the parties. The provisions of this Order shall become effective upon issuance.

[Redacted Signature]

GARY THOMPSON
Respondent

2-11-13

DATE

[Redacted Signature]

BRADLEY DEPTI,
Attorney for Respondent

2/11/13

DATE

[Redacted Signature]

CHARLES SPICKNALL,
Attorney for Complainant

2/11/13

DATE

Issued in Washington D.C.

this 11th day of February, 2013

[Redacted Signature]

ADMINISTRATIVE LAW JUDGE

for US Administrative Law Judge