

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 13-0087

In re: Piedmont Livestock, Inc., and
Joseph Ray Jones,

Respondents

Default Decision and Order

Preliminary Statement

This disciplinary proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), by a Complaint filed on November 19, 2012, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that respondents Piedmont Livestock, Inc., and Joseph Ray Jones (hereinafter, respondents) willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*).

The Complaint and a copy of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130) (rules of practice) were served upon respondents by certified mail on November 26, 2012. Respondents were informed in the complaint and the accompanying letter of service that an answer should be filed pursuant to the rules of practice and that failure to answer would constitute an admission of all the material allegations contained in the complaint and a waiver of hearing.

As Respondents failed to file an answer within the time period prescribed by the rules of practice, the following Findings of Fact, Conclusions of Law and Order will be entered pursuant to section 1.139 of the rules of practice applicable to this proceeding (7 C.F.R. § 1.139).

Findings of Fact

1. Respondent Piedmont Livestock, Inc., is a corporation organized and existing under the laws of the State of North Carolina with its principal place of business located in Burlington, North Carolina.
2. Respondent Joseph Ray Jones is an individual with a mailing address in Altamahaw, North Carolina.
3. Respondent Joseph Ray Jones is the president and 100% owner of the corporate Respondent. Respondent Joseph Ray Jones is, and at all times material herein was, responsible for the direction, management, and control of the corporate respondent, including responsibility for the violations of the Act and regulations described in the complaint.
4. Respondents are, and at all times material herein were:
 - (a) Engaged in the business of a dealer buying and selling livestock in commerce; and
 - (b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.
5. During the period from October 10, 2011, through November 21, 2011, in sixteen transactions involving respondents' purchase of a total of 342 head of livestock from ten different sellers for a total purchase price of \$255,077.31, respondents failed to pay, when due, the full amount of the livestock purchase price.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Respondents Piedmont Livestock, Inc., and Joseph Ray Jones willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

Order

1. Respondents Piedmont Livestock, Inc., and Joseph Ray Jones shall cease and desist from failing to pay the full amount of the purchase price for livestock before the close of the next business day following each purchase of livestock, as required by sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b).
2. Respondents are hereby assessed a civil penalty in the amount of fourteen thousand dollars (\$14,000.00). Respondents shall send a certified check or money order for fourteen thousand dollars (\$14,000.00), payable to the U.S. Department of Agriculture, to USDA GIPSA, P. O. Box 790335, St. Louis, Missouri 63179-0335 within thirty (30) days from the effective date of this order. Respondents shall indicate on the certified check or money order that payment is in reference to P&S Docket No. 13-0087.
3. This decision shall become final and effective without further proceedings 35 days after the date of service upon respondents, unless it is appealed to the Judicial Officer by a party to the proceeding within 30 days pursuant to Section 1.145 of the rules of practice (7 C.F.R § 1.145).

Copies of this decision shall be served upon the parties.

March 7, 2013

Peter M. Davenport
Chief Administrative Law Judge