

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
)
T & M Cattle, Inc., and) P&S Docket No. 13-0064
Travis Witt)
)
)
Respondents) Consent Decision and Order

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, T & M Cattle, Inc. and Travis Witt, willfully 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 provision of the rules of practice applicable to this proceeding (7 C.F.R. § 1.138).

The Respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, 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

- 1) Respondent T & M Cattle, Inc. is a corporation organized under the laws of the State of Nebraska, with a mailing address of P.O. Box 247, Falls City, NE 68355.

- 2) Respondent T & M Cattle, Inc., under the direction, management, and control of respondent Travis Witt, is, and at all times material herein was:
 - a. Engaged in the business of a market agency buying livestock in commerce on a commission basis and as a dealer buying and selling livestock in commerce;
 - b. Registered with the Secretary of Agriculture as a market agency to buy livestock in commerce on a commission basis and as a dealer to buy and sell livestock in commerce.
- 3) Respondent Travis Witt is an individual whose mailing address is P.O. Box 247, Falls City, NE 68355.
- 4) Respondent Travis Witt is, and at all times material herein was:
 - a. President of Respondent T & M Cattle, Inc.
 - b. Sole owner of Respondent T & M Cattle, Inc.
- c. Responsible for the direction, management and control of Respondent T & M Cattle, Inc.

Conclusions

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

Order

Respondents T & M Cattle, Inc. and Travis Witt, their agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from failing to provide true and accurate written accounts of all livestock purchases, as required by sections 312(a) of the Act and section 201.44 of the regulations.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are hereby assessed a civil penalty in the amount of eight thousand dollars (\$8,000.00). Respondents shall

send a certified check or money order for eight thousand dollars (\$8,000.00), payable to the Treasurer of the United States, to the U.S. Department of Agriculture, Room 2319 South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250-1400, along with this signed Consent Decision and Order. The certified check or money order should include the docket number of this proceeding, P&S Docket No. 13-0064.

The provisions of this Order shall become effective on the sixth day after service of this consent decision and order on the Respondents.

Copies of this decision shall be served upon the parties.

[Redacted signature]

T & M Cattle, Inc.
Respondent

[Redacted signature]

Travis Witt
Respondent

[Redacted signature]

Mr. Steven J. Mecure, Esq.
Attorney for Respondents



Margaret A Burns Rath, Esq.
Attorney for Complainant

Done at Washington, D.C.

this _____ day of _____, 2013

Peter M. Davenport
Chief Administrative Law Judge