

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P & S Docket No. D-13-0191
)
John C. Howard,)
)
)
)
Respondent) Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.), (the Act), 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 Respondent willfully violated the Act. 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 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.

Complainant agrees to the entry of this decision.

Findings of Fact

(a) Respondent John C. Howard is an individual, herein referred to as Respondent.

Respondent's business mailing address is a home address. In order to protect the personal privacy of Respondent, Complainant is not providing Respondent's address in this Decision.

- (b) At all times material herein, Respondent was:
- (1) Engaged in business as a dealer buying and selling livestock in commerce for his own account; and
 - (2) Registered as a dealer to buy and sell livestock in commerce on a commission basis, with the Secretary of Agriculture.

Conclusions

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

Order

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

- (a) engaging in the business of a dealer without maintaining an adequate bond or bond equivalent in contravention of section 312(a) of the Act (7 U.S.C. § 213(a)) and section 201.29 of the Regulations (9 C.F.R. § 201.29).

2. In accordance with section 312(b) of the Act (7 U.S.C. 213(b)), Respondent is hereby assessed a civil penalty of \$1,000.00.

The provisions of this order shall become effective on the sixth day after service of this order on the Respondent.

Copies of this decision shall be served upon the parties.

Issued in Washington D.C.

this 16th day of May, 2013

[Redacted Signature]

Administrative Law Judge

[Redacted Signature]

Respondent

Brian Sylvester, Esq.
Counsel for Complainant