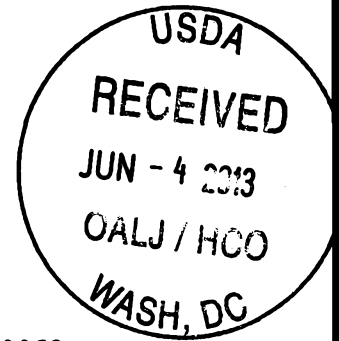


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)
)
 Jimmy Springer,)
)
 Respondent.)
)

P. & S. Docket No. 13-0058

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 the respondent Jimmy Springer 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 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.

The complainant agrees to the entry of this decision.

Findings of Fact

1) Jimmy Springer, referred to herein as the respondent, is an individual whose home mailing address is in the State of Kansas.

2) The respondent is, and at all times material herein was engaged in the business as a market agency buying livestock in commerce on a commission basis.

3) The respondent is, and at all times material herein, was registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce.

Conclusions

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

Order

Respondent Jimmy Springer shall cease and desist from engaging in the business of a dealer or market agency in commerce without maintaining an adequate bond or bond equivalent, as required by section 312(a) of the Act (7 U.S.C. §213(a)) and sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29 and 201.30).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), the respondent is hereby assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00), of which six hundred and fifty dollars (\$650.00) shall be held in abeyance for a term of five (5) years, provided that the respondent, prior to commencing and for the duration of buying livestock in commerce on a dealer or commission basis, maintains the necessary bond requirement for a dealer or a market agency. After the five (5) year term that such penalty amount is held in abeyance, if the respondent has maintained compliance with the necessary bond requirement and remains in compliance with the necessary bond requirement, then the six hundred and fifty dollar (\$650.00) penalty amount shall be reduced to zero dollars (\$0.00).

The remaining civil penalty of eight hundred and fifty dollars (\$850.00) shall be paid as follows: Respondent shall issue a certified check or money order for two hundred and fifty dollars and zero cents (\$250.00), payable to the Treasurer of the United States, and send the payment along with this signed Consent Decision and Order, to the:

United States Department of Agriculture
OGC, Marketing Regulatory and Food Safety Programs
Attn: Margaret Burns-Rath
1400 Independence Ave., SW
South Building – Rm. 2319
Washington, DC 20250

The certified check or money order should include the docket number of this proceeding, P&S Docket No. 13-0058. The remaining six hundred dollars (\$600.00) shall be paid in twelve (12) monthly installments of fifty dollars and zero cents (\$50.00), the first of such payments shall be due on or before July 1, 2013, and the remaining eleven (11) installments shall be due on or before the first day of each month thereafter until the civil penalty is paid in full. Each monthly installment shall be paid by a certified check or money order made payable to the Treasurer of the United States and shall be mailed to:

USDA GIPSA
P.O. Box 790335
St. Louis, Missouri 63179-0335.


Each certified check or money order shall include the docket number of this proceeding, P&S Docket No. 13-0058.

In accordance with the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996, late payments will be subject to interest and or penalty charges. In the event of default on the payment schedule (which default remains uncured for 60 days from the due date thereof), the total unpaid balance shall be immediately due and payable without demand or notice thereof. The balance due will be unpaid principal, interest calculated from the


date of the initial due date on the payment schedule, and late payment penalty. Failure to complete payments agreed to in this payment schedule will result in this debt being prepared for referral to the United States Department of Treasury for further collection action. The interest rate will be the current value of funds rate established by the Department of Treasury. For late payments, interest will be charged from the first day following the due date of the payment.

The provisions of this order shall become effective on the sixth day after service of this Consent Decision and Order on the respondent.

Copies of this decision shall be served upon the parties.




Jimmy Springer
Respondent



Margaret Burns Rath
Attorney for the Complainant

Done at Washington, D.C.

this 4th day of June, 2013



Peter M. Davenport
Chief Administrative Law Judge