

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P&S Docket No. 13-0182
)
)
David Starks d/b/a Slow Cow)
Cattle Company,)
)
)
Respondent) 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 respondent David Starks d/b/a Slow Cow Cattle Company 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. Respondent David Starks d/b/a Slow Cow Cattle Company is an individual whose mailing address is 520 Eisenhower Road, Stoughton, Wisconsin 53589-1107.

2. Respondent was, at all times material herein, engaged in the business of 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

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondent David Starks d/b/a Slow Cow Cattle Company is hereby assessed a civil penalty in the amount of four thousand dollars (\$4,000.00), provided, however, that payment of this civil penalty shall be held in abeyance for twelve (12) months from the effective date of this consent decision and order so long as respondent fully complies with the requirements of the Packers and Stockyards Act (7 U.S.C. §§ 181 et seq.), the regulations promulgated thereunder (9 C.F.R. §§ 201.1 et seq.), and the terms and conditions of this consent decision and order as set forth below.

Pursuant to 7 U.S.C. § 204, respondent is prohibited from registering under the Act for a period of thirty (30) days from the effective date of this consent decision and order.

Respondent, his agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act and the regulations promulgated thereunder without first becoming properly registered under the Act as required by section 201.10(a) of the regulations (9 C.F.R. § 201.10(a)).

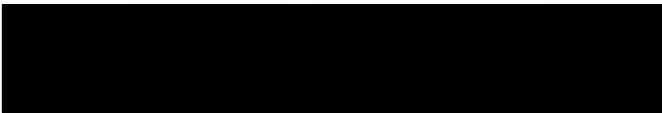
Respondent shall not engage in business in any capacity for which bonding is required under the Packers and Stockyards Act and regulations promulgated thereunder without filing and maintaining an adequate bond or its equivalent as required by the Act and by sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29 and 201.30).


Respondent shall keep and maintain all accounts, records, and memoranda that fully and accurately disclose all transactions involved in its business, as required by section 401 of the Act (7 U.S.C. § 221).

If respondent (1) commits no violations of the Act and the regulations promulgated thereunder and (2) does not violate the terms and conditions of this consent decision and order for twelve (12) months from the effective date of this order, the civil penalty of four thousand dollars (\$4,000.00) that is held in abeyance during the twelve (12) month period shall be terminated at the end of said period. If, however, after notice and opportunity for hearing on the record, it is determined that respondent has committed any violation of the Act and the regulations promulgated thereunder or the terms and conditions of this consent decision and order during a twelve (12) month period beginning on the effective date of this consent decision and order, respondent shall become liable for the full amount of the four thousand dollar (\$4,000.00) civil penalty.

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


Copies of this consent decision and order shall be served upon the parties.


David Starks d/b/a Slow Cow Cattle Company
Respondent


Thomas N. Bolick
Attorney for Complainant

Done at Washington, D.C.

this 5 day of July, 2013


Administrative Law Judge

Jill S. Clifton