

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 13-0206

In re: Paul E. Gibson, Jr. d/b/a
G&S Livestock Co.,

Respondent

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 April 10, 2013, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that respondent Paul E. Gibson d/b/a G&S Livestock Co. (hereinafter, Respondent) 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 Respondent by certified mail on May 20, 2013. Respondent was 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.

Respondent failed to file an answer within the time period prescribed by the rules of practice and is deemed to have admitted the material facts alleged in the Complaint and to have waived his right to a hearing. Accordingly, 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. Paul E. Gibson, Jr., d/b/a G&S Livestock Co., referred to herein as the respondent, is an individual with a mailing address in Jasonville, Indiana.
2. Respondent is, and at all times material herein was:
 - (a) Engaged in the business of a dealer buying and selling livestock in commerce.
 - (b) Not registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce after July 9, 2010.
3. During the period from June 2, 2010, through August 16, 2010, in 127 transactions involving the purchase of a total of 8,688 head of livestock from six different sellers, for an approximate purchase price of \$1,077,077.90, Respondent failed to pay the full amount of the livestock purchase prices.
4. During the period from June 1, 2010 through July 13, 2010, in 28 transactions involving his purchase of 2,215 head of livestock from five different sellers for a total purchase price of approximately \$257,552.08, Respondent failed to pay, when due, the full amount of the livestock purchase prices within the time period required by the Act. Respondent made payment between five and sixty-two days late.
5. Respondent, from May 18, 2010 until he ceased operations on August 16, 2010, engaged in the business of buying and selling livestock in commerce without maintaining an adequate bond or bond equivalent.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Respondent willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b) and sections 201.29 and 201.30 201.43 of the regulations (9 C.F.R. § 201.29, 201.30, and 201.43).

Order

1. Respondent, Paul E. Gibson, Jr. d/b/a G&S Livestock Co., his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from:
 - a. Failing to pay the full purchase price for livestock purchases;
 - b. Failing to pay, when due, the full purchase prices for livestock purchases; and
 - c. Operating without registration and a bond or a bond equivalent.
2. Respondent is prohibited from being registered or engaging in any capacity for which registration and bonding is required under the Act for a period of five years.
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 and Order shall be served upon the parties.

August 6, 2013

Peter M. Davenport

Peter M. Davenport
Chief Administrative Law Judge