



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P&S Docket No. 13-0243
)
)
Jerry Stokes d/b/a)
Jerry Stokes Cattle)
)
Respondent) Decision Without Hearing
) By Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (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 the Respondent willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.) (Regulations). This consent decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138) (Rules of Practice).

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 consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

(a) Jerry Stokes, d/b/a Jerry Stokes Cattle, referred to herein as the respondent, has a mailing address of 10672 E FM 2907, Garrison, Texas 75946.

- (b) The respondent at all times material herein was:
- (1) Engaged in the business of a market agency buying and selling livestock on a commission basis in commerce; and
 - (2) Engaged in the business of a dealer buying and selling livestock in commerce;
- (c) Registered with the Secretary of Agriculture as a market agency to buy and sell livestock on a commission basis in commerce, and registered as a dealer to buy and sell livestock in commerce.

Conclusion

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

Order

Respondent, directly or through any corporate or other device, in connection with his operations subject to the Act, shall cease and desist from failing to pay, when due, the full purchase price for livestock purchases, as required by section 409 of the Act (7 U.S.C. § 228b).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondent is assessed a civil penalty in the amount of seven thousand dollars (\$7,000.00). Four thousand dollars (\$4,000.00) of this civil penalty shall be held in abeyance for a period of one (1) year, provided respondent does not violate the terms of this Order or any provision of the Regulations or Act during this period. If the respondent, after opportunity for hearing, is found to have violated the terms of this Order or any provision of the Regulations or Act during this period, then the four thousand dollars (\$4,000.00) becomes due and payable. If, after the expiration of this one (1) year time period, respondent has not violated this Order or committed any new violations of the

Act or the Regulations, then respondent will not be obligated to pay the four thousand dollar (\$4,000.00) civil penalty.

The remaining civil penalty of three thousand dollars (\$3,000.00) shall be paid as follows: Respondent shall issue a certified check or money order for three thousand dollars (\$3,000.00), payable to USDA, GIPSA and shall include the Docket number of this proceeding, P&S Docket No. 13-0243. Payment shall be made at the time the signed consent sent is returned for filing with the Office of the Hearing Clerk.

This Order shall have the same force and effect as if entered after a full hearing. The provisions of this Order shall become effective on the sixth day after service of this order on the Respondents.

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

Done at Washington, D.C.

this 2 day of Aug., 2013

[Redacted Signature]

Administrative Law Judge

[Redacted Signature]

Jerry Stokes d/b/a Jerry Stokes Cattle
Respondent

[Redacted Signature]

for Carlynne S. Cockrum
Attorney for Complainant