

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P & S Docket No. 13-0330
))
Gary H. Luck, d/b/a)
Luck's Livestock,)
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 the Respondent willfully violated the Act and the regulations issued thereunder (9 C.F.R. § 201.1 *et seq.*). 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).

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. Gary H. Luck, d/b/a Luck's Livestock, hereinafter referred to as the Respondent, is an individual doing business in the state of North Carolina.
2. Respondent at all times material herein, was:
 - (a) Engaged in the business of buying and selling livestock in commerce as a dealer.

(b) Registered as a dealer with the Secretary of Agriculture.

Conclusions

The 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 engaging in operations subject to the Act without maintaining an adequate bond or bond equivalent as required by section 312(a) of the Act (7 U.S.C. § 213) and sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29 and 30) and;

2. Respondent shall maintain an adequate bond or bond equivalent for operating as a livestock dealer.

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

Copies of this decision shall be served upon the parties.

Issued in Washington, D.C.

This 5 day of NOV, 2013



Administrative Law Judge

Jill S. Clifton

[Redacted]

Gary H. Luck
Gary H. Luck, d/b/a Luck's Livestock
Respondent

[Redacted]

Tracey Manoff
Tracey Manoff
Attorney for Complainant