



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P&S Docket No. D-13-0315
)
Weldon Glidewell)
dba Mineral Wells)
Stockyards Company)
)
)
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.) (Act), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201 *et seq.*), hereinafter referred to as the “regulations” 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 Respondents willfully violated the Act and the regulations promulgated thereunder. The parties have now agreed to entry of this Decision, without hearing or further procedure, pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (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.

Findings of Fact

(a) Weldon Glidewell, doing business as Mineral Wells Stockyards Company, hereinafter referred to as respondent, is an individual with a business mailing address of P.O. Box 968, Mineral Wells, Texas 76068.

(b) Respondent is, and at all times material herein was:

(1) Engaged in the business of a dealer buying and selling livestock in commerce for its own account and for the account of others;

(2) Engaged in the business of a market agency selling livestock in commerce on a commission basis; and

(3) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to sell livestock in commerce on a commission basis.

Conclusions

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

Order

Respondent and respondent's officers, directors, agents and employees, successor and assigns, directly or through any corporate or other device, in connection with

Respondent's activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Failing to deposit in the custodial account for shippers' proceeds, within the time prescribed by section 201.42 (9 C.F.R. 201.42) an amount equal to the proceeds receivables from the purchase by respondent and others of livestock consigned for sale on a commission basis.

2. Failing to otherwise properly maintain and use the custodial account for shippers' proceeds in conformity with the provisions of section 201.42 of the regulations (9 C.F.R. 201.42).

3. Failing to have and maintain sufficient funds on deposit and available in the account upon which issued check are drawn to pay such checks when presented.

4. Failing to pay, when due, the full purchase price of such livestock purchased in commerce as prescribed.

Respondent Weldon Glidewell dba Mineral Wells Stockyards Company is suspended as a registrant under the Act for a period of thirty (30) days, with such suspension held in abeyance in accordance with the terms of the Understanding Regarding the Consent Decision (Understanding) entered into between the Complainant and Respondent. If Respondent fails to satisfy the terms of the Understanding, the suspension will become effective, upon application of Complainant to the Administrative Law Judge, without further procedure. If respondent satisfies the terms


of the Understanding, Complainant shall request that the Administrative Law Judge issue an order terminating the suspension.

Furthermore, in accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), the respondent is assessed a civil penalty in the amount of eleven thousand dollars (\$11,000.00). The civil penalty of eleven thousand dollars (\$11,000) shall be paid as follows: one thousand three hundred and seventy-five dollars (\$1,375.00) shall be paid on or before January 1, 2014. The remaining balance shall be paid in seven installments of one thousand three hundred and seventy-five dollars (\$1,375.00). An installment will be due on each of the following dates: February 1, 2014; March 1, 2014; April 1, 2014; May 1, 2014; June 1, 2014; July 1, 2014 and August 1, 2014. If Respondent fails to comply with any of the terms of this consent decision, the full \$11,000 or any remaining balance of the civil penalty will become immediately due and payable. Any future violations of the Act will result in the full civil penalty becoming instantly due and payable. This Consent Decision, however, will not limit the civil penalties for any violations of the Act not addressed in the allegations of the complaint in this matter. Respondent expressly waives any further appearance or procedure with respect to action in this case.

This Order shall have the same force and effect as if entered after full hearing. 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.

WELDON GLIDEWELL dba
MINERAL WELLS STOCKYARDS COMPANY

By: 
WELDON GLIDEWELL
Respondent


WELDON GLIDEWELL



DARLENE M. BOLINGER
Attorney for Complainant

Issued in Washington D.C.

this 19th day of December, 2013


ADMINISTRATIVE LAW JUDGE