

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P & S Docket No. 13-0350
)
) Troy O. Moore, d/b/a Stephenville
) Cattle Company and TM Cattle
) 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.*) (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. Troy O. Moore, d/b/a Stephenville Cattle Company and TM Cattle Company, hereinafter referred to as the Respondent, is an individual doing business in the state of Texas.

2. Respondent at all times material herein, was:

(a) Engaged in the business of buying and selling livestock in commerce as a dealer.

(b) Engaged in the business of buying and selling livestock in commerce as a market agency.

(c) Registered as a dealer and market agency 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. The 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 failing to pay, when due, for livestock in accordance with the Section 409(a) of the Act (7 U.S.C. § 228b(a)), and 9 C.F.R. § 201.43.
2. The Respondent shall maintain records to document all purchase and sales transactions conducted as a livestock dealer, in accordance with Section 401 of the Act (7 U.S.C. § 221), and willingly provide such records to Packers and Stockyards Program personnel for review.
3. In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty of three thousand and six hundred dollars and zero cents (\$3,600.00). The Respondent shall send a certified check, cashier's check, or money order for three thousand and six hundred dollars and zero cents (\$3,600.00) made out to "Treasurer of the United States", to the United States Department of Agriculture, Office of the General Counsel, 14th and Independence Ave., S.W., ATTN: Tracey Manoff, Room 2324, South


Building, Washington, D.C. 20250-1400. The check or money order should be mailed by Federal Express, United Postal Service or any other service where delivery of mail is acknowledged.

4. 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.


Troy O. Moore d/b/a Stephenville Cattle
Company and TM Cattle Company

Date: 2-13-14


By: 
Ernest H. VanHooser
Attorney for Respondent

Date: 2/11/2014


Tracey Manoff
Attorney for Complainant

Date: 2/20/2014

Issued in Washington, D.C.
This 20 day of FEB, 2014


Administrative Law Judge
Jill S. Clifton