

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	P & S Docket No. 17-0266
	)	
	)	
Michael Louis Fox	)	
	)	
	)	
Respondent	)	Consent Decision and Order

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 Acting 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.). This decision is entered pursuant to the consent decision provision of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

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. Complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. Michael Louis Fox is an individual whose mailing address will not be stated in this consent decision to protect the privacy of Mr. Fox, but has been provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purposes of service.

2. Respondent is, and at all times material herein was:

- (a) Engaged in the business of a market agency buying livestock in commerce on a commission basis;
- (b) Engaged in the business of a dealer buying and selling livestock in commerce; and
- (c) Registered with the Secretary of Agriculture as a market agency to buy livestock in commerce on a commission basis and as a dealer to buy and sell livestock in commerce.

#### CONCLUSIONS OF LAW

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

#### ORDER

1. Respondent, his agents and employees, directly or through any corporate or other device, in connection with his operations subject to the Act, shall cease and desist from:

- (a) Engaging in or using any unfair or deceptive practice or device in connection with the purchase or sale of livestock;
- (b) Misrepresenting to its principals or to other purchasers of livestock, or aiding and assisting any person to misrepresent to such persons, the original purchase prices, weights or shrinkage allowances of such livestock;
- (c) Preparing and issuing, or causing to be prepared and issued, in connection with the purchase or sale of livestock, accounts of purchases, invoices, billings or any other document showing false, inaccurate or misleading price, weight, or shrinkage allowance entries for such livestock;
- (d) Collecting payment from its principals or from other purchasers of

livestock, or aiding and assisting any person to collect from such persons, on the basis of false, inaccurate or misleading accounts of sale, invoices or billings.

2. 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 \$5,500 to be paid by certified check or money order made payable to the Treasurer of the United States, with \$2,500 to be remitted immediately, and twelve subsequent monthly payments of \$250 each, beginning September 1, 2017 and ending on August 1, 2018 sent to USDA GIPSA, PO Box 790335, St. Louis, Missouri 63179-0335. The certified check or money order shall include the docket number of this proceeding, Docket No. 17-0266.

The provisions of this Order shall become effective upon issuance. Copies of this decision shall be served upon the parties.

[Redacted signature]

Michael Louis Fox  
Respondent

[Redacted signature]

Ernest H. Van Hooser  
Attorney for Respondent

[Redacted signature]

Samuel D. Jockel  
Attorney for Complainant

Done at Washington, D.C.  
this 15 day of Sept, 2017

[Redacted signature]

Administrative Law Judge

Jill S. Clifton

**CERTIFICATE OF SERVICE**

Michael Louis Fox, Respondent

Docket: 17-0266

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct and this is to certify that a copy of the (SIGNED) CONSENT DECISION AND ORDER has been furnished and was served upon the following parties on September 19, 2017 by the following:

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Attorney for Respondent

Michael Louis Fox

Respectfully Submitted,



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