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UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE

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In re:) RECEIVED	
Jon A. Smith)) P&S Docket No. D- 47 0270)	
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.) (Packers and Stockyards Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201 et seq.) (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. The Complaint alleged that Respondent willfully violated the Packers and Stockyards Act and the regulations promulgated thereunder. Complainant and Respondent has 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) (Rules of Practice).

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

- (1) Respondent is a sole proprietor. Respondent's principal place of business and mailing address is 1456 Dr. Hall Road, Halls, Tennessee 38040.
 - (2) At all times material herein, Respondent was:
- (a) Engaged in the business of a dealer, as that term is defined and used in the Act and the regulations promulgated thereunder.
- (b) Registered with the Secretary of Agriculture as a dealer, as that term is defined and used in the Act and the regulations promulgated thereunder.

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.

<u>Order</u>

Respondent, his agents and employees, successors and assigns, directly or through any device, in connection with Respondent's activities subject to the Packers and Stockyards Act, shall cease and desist from purchasing livestock in commerce and failing to pay or failing to pay when due, the full purchase price of such livestock as prescribed by sections 312(a) and 409 of the Packers and Stockyards Act (7 U.S.C. §§ 213(a) and 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

Pursuant to 7 U.S.C. § 204, Respondent, operating individually or through any corporate or other device, is prohibited from registering under the Act for a period of three (3) years.

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective upon on the sixth (6th) day after service

of this Consent Decision and Order on Respondent.

Jøn A. Smith

Respondent

CHRISTOPHER YOUNG Attorney for Complainant

Done at Washington, D.C.,

this 4 that of October.

Administrative Law Judge