

U.S. DEPARTMENT OF AGRICULTURE
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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Raymond Frank Christie,)
a/k/a Ray Christie,) P&S-D Docket No. 18-0020
d/b/a Christie Livestock,)
)
Respondent.)

ORDER REOPENING CASE AND VACATING DECISION FILED MAY 22, 2018

Appearances:

Thomas N. Bolick, Esq., with the Office of the General Counsel, United States Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 20250, for the Complainant, Agricultural Marketing Service ("AMS"); and

Pro se Respondent: Raymond Frank Christie, a/k/a Ray Christie, d/b/a Christie Livestock.

Preliminary Statement

This disciplinary 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 (9 C.F.R. §§ 201.1 *et seq.*) ("Regulations"). The matter initiated with a complaint filed on March 9, 2018 by the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service ("Complainant" or "AMS"), alleging that Raymond Frank Christie, a/k/a Ray Christie, d/b/a Christie Livestock ("Respondent") willfully violated the Act and Regulations.

On May 22, 2018, I issued a Decision and Order Without Hearing by Reason of Default against Respondent.¹ Neither party appealed to the Judicial Officer, and the

¹ In addition to being served with a copy of the Decision and Order via certified mail on May 29, 2018 (*see infra* note 2), Respondent was served personally with a copy of the Decision and Order by an employee of AMS's Packers and Stockyards Division on July 11, 2018. *See* AMS's Request for

Decision and Order became final and effective on July 3, 2018.²

On August 27, 2018, AMS filed a “Request for Technical Correction of Decision and Order Without Hearing by Reason of Default.” In support thereof, AMS stated:

On April 23, 2018, counsel for the complaint filed a motion for Decision Without Hearing by Reason of Default and a proposed Decision Without Hearing by Reason of Default because respondent had not filed an answer to the complaint. The motion correctly stated that the respondent had violated section 312(a) of the Act, but the proposed decision inadvertently stated that he had violated section 202(a) of the Act (7 U.S.C. § 192(a)) instead of section 312(a) and that he should cease and desist from committing further violations of section 202(a) instead of section 312(a). The proposed decision also inadvertently stated that respondent should be assessed a civil penalty of \$13,600 in accordance with section 203(b) of the Act (7 U.S.C. § 193(b)) instead of section 312(b) of the Act. . . . Respondent did not file timely and meritorious objections to the motion and proposed decision, and Judge Strother issued a Decision and Order Without Hearing by Reason of Default that was based on the proposed decision and thus contains the same inadvertent errors.³

Accordingly, AMS requested “the issuance of a corrected Decision and Order Without Hearing by Reason of Default” that changes the references described above.⁴

Based on the foregoing, the follow Order shall be entered.

Technical Correction of Decision and Order Without Hearing by Reason of Default (“Request”) at 1; Request Attach. 1 (“Certificate of Service”).

² United States Postal Service records reflect that a copy of the decision was sent to Respondent via certified mail and delivered on May 29, 2018. Pursuant to the Rules of Practice, “such decision shall become final and effective without further proceedings 35 days after the date of service thereof upon the respondent, unless there is an appeal to the Judicial Officer by a party to the proceeding pursuant to § 1.145[.]”. 7 C.F.R. § 1.139; *see* 7 C.F.R. § 1.147(c)(1). Neither Respondent nor AMS filed an appeal petition with the Judicial Officer; therefore, the decision became final and effective on July 3, 2018.

³ Request at 1.

⁴ *Id.* at 2 (“Wherefore, Complainant respectfully requests the issuance of a corrected Decision and Order Without Hearing by Reason of Default that (1) changes the references to section 202(a) of the Act (7 U.S.C. § 192(a)) found in paragraph 2 of the Conclusions paragraph 1 of the Order to section 312(a) of the Act (7 U.S.C. § 213(a)) and (2) changes the reference to section 203(b) of the Act (7 U.S.C. § 193(b)) found in paragraph 2 of the Order to section 312(b) of the Act (7 U.S.C. § 213(b)).”).

ORDER

1. The above-captioned case, Docket No. 18-0020, is REOPENED.
2. AMS's Request for Technical Correction of Decision and Order Without Hearing by Reason of Default is GRANTED.
3. The Decision and Order Without Hearing by Reason of Default filed May 22, 2018 is VACATED.
4. A Corrected Decision and Order Without Hearing by Reason of Default shall be issued simultaneously with this Order.

Copies of this Order shall be served by the Hearing Clerk upon each of the parties, with courtesy copies provided via email where available.

Done at Washington, D.C.

this 30 day of August, 2018



Jill S. Clifton
Administrative Law Judge
for
Channing D. Strother
Acting Chief Administrative Law Judge

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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
RAYMOND FRANK CHRISTIE,)
a/k/a RAY CHRISTIE,) P&S Docket No. D-18-0020
d/b/a CHRISTIE LIVESTOCK,)
)
Respondent)

DECISION AND ORDER WITHOUT HEARING BY REASON OF DEFAULT

Appearances:

Thomas N. Bolick, Esq., with the Office of the General Counsel, United States Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 20250, for the Complainant, Agricultural Marketing Service ("AMS"); and

Raymond Frank Christie, a/k/a Ray Christie, d/b/a Christie Livestock, pro se Respondent.

Preliminary Statement

This disciplinary 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 (9 C.F.R. §§ 201.1 *et seq.*) ("Regulations"). This proceeding initiated with a complaint filed on March 9, 2018 by the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service ("AMS"), of the United States Department of Agriculture ("USDA"; "Complainant"). The Complaint alleges that Raymond Frank Christie, a/k/a Ray Christie, d/b/a Christie Livestock ("Respondent") willfully violated the Act and Regulations.

The Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes ("Rules of Practice"), set forth at 7 C.F.R. §§ 1.130 *et seq.*, apply to adjudication of the instant matter. Pursuant to the Rules of Practice, Respondent was required to file an answer within twenty days after service of the

Complaint. 7 C.F.R. § 1.136(a). The Hearing Clerk's records reflect that Respondent failed to file a timely answer to the Complaint.¹

On April 23, 2018, Complainant filed with the Hearing Clerk's Office a Motion for Decision Without Hearing by Reason of Default ("Motion for Default") and Proposed Decision Without Hearing by Reason of Default ("Proposed Decision"). Respondent has filed no objections to Complainant's Motion.²

Failure to file a timely answer or failure to deny or otherwise respond to allegations in the Complaint shall be deemed, for purposes of this proceeding, an admission of the allegations in the Complaint, unless the parties have agreed to a consent decision. 7 C.F.R. § 1.136(c). As Respondent failed to file an answer within the prescribed time period, this Decision and Order is issued without further procedure or hearing pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. (a) Respondent is an individual with a mailing address in [REDACTED]

¹ United States Postal Service records reflect that the Complaint was sent to Respondent via certified mail and delivered on March 17, 2018. Respondent had twenty days from the date of service to file a response. Weekends and federal holidays shall be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following work day. 7 C.F.R. § 1.147(h). In this case, Respondent's answer was due by April 6, 2018. Respondent has not filed an answer. Failure to file a timely answer or failure to deny or otherwise respond to allegations in the Complaint shall be deemed, for purposes of this proceeding, an admission of the allegations in the Complaint, unless the parties have agreed to a consent decision. 7 C.F.R. § 1.136(c). Other than a consent decision, the Rules of Practice do not provide for exceptions to the regulatory consequences of an untimely filed answer where, as in the present case, no meritorious objections have been filed. 7 C.F.R. § 1.139; *see infra* note 2.

² United States Postal Service records reflect that the Motion for Default and Default Decision were sent to Respondent via certified mail and delivered on April 30, 2018. Respondent had twenty days from the date of service to file objections thereto. 7 C.F.R. § 1.139. Weekends and federal holidays shall not be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following work day. 7 C.F.R. § 1.147(h). In this case, Respondent's objections were due by May 21, 2018. Respondent did not file any objections by that date.

(b) Respondent is and at all times material herein was: (1) engaged in the business of a market agency, buying livestock on a commission basis; (2) engaged in the business of a dealer, buying and selling livestock in commerce on his own account; and (3) registered with the Secretary of Agriculture as a market agency to buy livestock on a commission basis in commerce and registered as a dealer to buy and sell livestock in commerce on his own account.

2. (a) On February 25, 2014, Roscoe Littlefield, a cattle producer in [REDACTED] hired Respondent to transport twenty-eight head of cattle to Orland Livestock Commission Yard in Orland, California and sell the cattle on Mr. Littlefield's behalf. On February 27, 2014, Respondent sold the cattle for a net price of \$24,509.51, but he refused to pay Mr. Littlefield. On April 21, 2014, Mr. Littlefield filed a complaint against Respondent with the Grain Inspection, Packers and Stockyards Administration ("GIPSA")³, and GIPSA imitated an investigation.

(b) During the period from January 8, 2014 through April 30, 2014, in seventeen transactions with Humboldt Auction Yard, Inc., in Fortuna, California, Respondent purchased a total of 1,030 head of livestock for a total net purchase price of \$638,112.22 but failed to pay, when due, the full purchase price of the livestock.

Conclusions

1. The Secretary of Agriculture has jurisdiction in this matter.
2. By reason of the facts alleged in paragraphs 1 and 2, Respondent Raymond Frank Christie, a/k/a Ray Christie, d/b/a Christie Livestock, failed to pay, when due, the full amount of

³ Since the completion of the investigation but prior to the filing of the Complaint in this matter, GIPSA had been incorporated into AMS's Fair Trade Practices Program.

livestock purchase prices and therefore willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a), 228b).


ORDER

1. Respondent Raymond Frank Christie, a/k/a Ray Christie, d/b/a Christie Livestock, his agents and employees, directly or through any corporate or other device, shall cease and desist from failing to pay the full amount of the purchase price for livestock before the close of the next business day following each purchase of livestock, as required by sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a) and 228b).
2. In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent is hereby assessed a civil penalty in the amount of thirteen-thousand and six-hundred dollars (\$13,600.00). Respondent shall send a certified check or money order for thirteen thousand and six-hundred dollars (\$13,600.00), payable to the U.S. Department of Agriculture, to USDA GIPSA, P.O. Box 790335, St. Louis, Missouri 63179-0035 within thirty (30) days from the effective date of this Order. Respondent shall indicate on the certified check or money order that payment is in reference to P&S Docket No. 18-0020.

This Decision and Order shall be final and effective without further proceedings thirty-five (35) days after service unless an appeal to the Judicial Officer is filed with the Hearing Clerk within thirty (30) days after service, as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139 and 1.145).

Copies of this Decision and Order shall be served by the Hearing Clerk upon each of the parties, with courtesy copies provided via email where available.

Done at Washington, D.C.,
this 22nd day of May, 2018



Channing D. Strother
Acting Chief Administrative Law Judge

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