



UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P&S Docket No. D-18-0025
Warren Hudspeth d/b/a)	
56 Cattle Co.,)	
)	
Respondent)	Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act of 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (the Act) by a Complaint filed by the Deputy Administrator of the Fair Trade Practices Program, Agricultural Marketing Service, 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.*) (Regulations). This consent 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 Warren Hudspeth, doing business as 56 Cattle Co. (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, waives all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waives any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by respondent in connection with this proceeding or any action against any USDA employee in their individual capacity, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

1. Respondent Warren Hudspeth, doing business as 56 Cattle Co. (Respondent or Hudspeth), is an individual whose current address is in the State of [REDACTED] Respondent's address will not be stated in the consent decision and order to protect his privacy but will be provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service of this consent decision and order.

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

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

Conclusions of Law

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

Order

1. Respondent Hudspeth, 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 operations subject to the Act without maintaining an adequate bond or bond equivalent in accordance with section 312(a) of the Act (7 U.S.C. § 213(a)), and sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§ 201.29, 201.30).

b) Failing to pay, when due, the full purchase price of livestock in accordance with section 409 of the Act (7 U.S.C. § 228b), and section 201.43 of the Regulations (9 C.F.R. § 201.43).

2. Respondent Hudspeth will provide a completed "Application for Registration" form (P&SP Form 1000) to USDA-AMS .

3. Respondent Hudspeth shall provide proof of his bond coverage to USDA-AMS. Such bond coverage will be at least \$10,000.

4. Respondent shall submit the signed original of this consent decision and order to the following address: USDA Office of the General Counsel, Room 2331 South Building, 1400 Independence Avenue, SE, Washington, D.C. 20250-1400.

5. 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 \$3,000, to be paid by certified check or money order made payable to the Treasurer of the United States and sent to USDA AMS, PO Box 790335, St. Louis, Missouri 63179-0335. The certified check or money order shall include the docket number of this proceeding, Docket No. D-18-0025. The civil penalty will become due and payable 30 days after the effective date of this order.

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This Order shall have the same force and effect as if entered after a full hearing. The provisions of this Order shall become effective on the day after service of this order on the Respondent.

Copies of this decision and Order shall be served upon the parties.

Done at Washington, D.C.

this 15 day of Feb, 2018




Administrative Law Judge

Bill S. Griffin



Respondent Warren Hudspeth d/b/a
56 Cattle Co.



Rupa Chilukuri

Attorney for Complainant