UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
Glean Plunkett,	)	P&S Docket No. 19- J-0056
	)	
and	)	
	)	19-
Fort Payne Stockyard, Inc.	)	P&S Docket No. 19- J-0057
	)	
	)	
Respondents	)	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.) (the Act), by a complaint filed by the Deputy

Administrator, Fair Trade Practices Program, Agricultural Marketing Service, U.S. Department

of Agriculture, alleging that respondents Fort Payne Stockyard, Inc., and Glean Plunkett

(respondents) violated the Act and the regulations promulgated pursuant thereto (9 C.F.R. §

201.1 et seq.) (the regulations).   This consent decision and order is entered pursuant to section

1.138 (7 C.F.R. § 1.138) of the Rules of Practice Governing Formal Adjudicatory Procedures

Instituted by the Secretary under Various Statutes (7 C.F.R. § 1.130 et seq.).

The Respondents admit the jurisdictional allegations set forth in paragraph 1 of the

complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit

nor deny the remaining allegations, waive oral hearing and further procedure, and consent and

agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this

consent decision and order.

Complainant agrees to the entry of this consent decision and order.

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Findings of Fact

1. Fort Payne Stockyard, Inc. (respondent Fort Payne), is a

Corporation organized under the laws of the State of Alabama, with its principal place of

business located at 302 Airport Rd. West, Fort Payne, Alabama 35968.   Its mailing address is

PO Box 681126, Fort Payne, Alabama 35968.

2. Respondent Fort Payne, under the direction, management, and control of respondent

Glean Plunkett, is, and at all times material herein, was:

    (a)   Engaged in the business of, and operating as, a stockyard posted under and

subject to the provisions of the Act;

    (b)   Engaged in the business of a market agency selling livestock in commerce on a

commission basis; and

    (c)   Registered with the Secretary of Agriculture as a market agency to sell livestock

on a commission basis.

3. Respondent Glean Plunkett (respondent Plunkett) is an individual whose mailing address

is PO Box 681126, Fort Payne, Alabama 35968.

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

    (a)   President of respondent Fort Payne;

    (b)   Owner of 50% of the stock issued by respondent Fort Payne;

    (c)   The registered agent of respondent Fort Payne;

    (d)   Responsible for the direction, management, and control of respondent

Fort Payne; and

    (e)   Engaged in the business of a market agency selling livestock in commerce on a

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commission basis.

Conclusion

Respondents having admitted the jurisdiction facts, and the parties having agreed to the entry of this consent decision, the consent decision and order will be entered.

Order

Respondents Fort Payne Stockyards Inc., and Glean Plunkett, their agents and employees, directly and through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from:

a. failing to properly maintain their Custodial Account for Shippers' Proceeds (custodial account) in strict conformity with the Act and section 201.42(a) of the regulations (9 C.F.R. § 201.42(a)); and

b. using funds received from the sale of consigned livestock for any purpose other than those specifically permitted by section 201.42(d) of the regulations (9 C.F.R. § 201.42(d)).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondents are assessed, jointly and severally, a civil penalty in the amount of one thousand dollars ($1,000.00).

The provisions of this order shall become effective on the sixth day after service of this order on respondents.

Copies of this decision and order shall be served on the parties.

Done at Washington, D.C.

this 7th day of March, 2018.

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Administrative Law Judge

Chief

Channing D. Strother

Respondent Fort Payne Stockyards Inc.

By: _____

Title: _President_

_____

Glean Plunkett
Respondent

_____

Charles Kendall
Attorney for Complainant

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