

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/OHC
2019 DEC 12 PM 1:36

In re:)	P&S Docket Nos.
)	
Cecil Sellers Cattle Company, LTD,)	D-18-0017
)	
Sellers-CSCC, Inc., and)	D-18-0018
)	
Charles T. Sellers,)	D-18-0019
)	
Respondents)	Consent Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*)(the Act), by a Complaint filed on March 9, 2018 by the Deputy Administrator, Fair Trade Practices Program (Packers and Stockyards Division), Agricultural Marketing Service, United States Department of Agriculture, alleging that Cecil Sellers Cattle Company, LTD, Sellers-CSCC, Inc., and Charles T. Sellers (Respondents) willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*)(the regulations). 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).

Respondents admit the jurisdictional allegations in paragraph I 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; waive 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 waive 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 Respondents in connection with this proceeding or any action against any USDA employee in their individual capacity. The parties consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this Decision.

Findings of Fact

1. Respondent Cecil Sellers Cattle Company, LTD (Respondent CSCC) is a limited partnership organized under the laws of the state of Texas with a business address of 4807 Williamsburg Place, Amarillo, TX 76164, and mailing address of P.O. Box 50792, Amarillo, TX 79159.
2. Respondent CSCC is, and at all times material herein, was:
 - (a) Engaged in the business of a dealer buying and selling livestock in commerce; and
 - (b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.
3. Respondent Sellers-CSCC, Inc. is a corporation with a business address of P.O. Box 336, Hamlin, TX 79520-0336.
4. Respondent Sellers-CSCC, Inc. is, and at all times material herein, was:
 - (a) General partner of Respondent CSCC;
 - (b) Responsible for direction, management and control of Respondent CSCC
5. At all times material herein, Respondent Sellers-CSCC, Inc. was:
 - (a) Engaged in the business of conducting and operating Respondent CSCC, a dealer operating under and subject to the Act and Regulations;

(b) Engaged in the business of a dealer buying and selling livestock in commerce.

6. Respondent Charles T. Sellers (Respondent Sellers) is an individual whose business address is 4807 Williamsburg Place, Amarillo, TX 76164, and mailing address of P.O. Box 336, Hamlin, TX 79520-0336.

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

(a) President/CEO of Respondent CSCC;

(b) Owner of 66.67 percent of Respondent CSCC;

(c) President and Director of Sellers-CSCC, Inc.;

(d) Responsible for direction, management and control of Sellers-CSCC, Inc.;

(e) Operating as a dealer, and as a market agency buying livestock in commerce on a commission basis as a clearee of Respondent CSCC.

8. At all times material herein, Respondent Sellers was:

(a) Engaged in the business of conducting and operating Respondent CSCC, a dealer operating under and subject to the Act and Regulations; and

(b) Engaged in the business of a dealer buying and selling livestock in commerce.

Conclusions

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

Order

Respondents, their agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from:

1. Failing to pay, when due, the full purchase price of livestock;
2. Issuing checks to livestock sellers without having sufficient funds in the bank upon which they were drawn to pay such checks when presented;

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents Cecil Sellers Cattle Company, LTD, Sellers-CSCC, Inc., and Charles T. Sellers are jointly and severally assessed a civil penalty in the amount of Two Hundred and Five Thousand Dollars (\$205,000.00). The civil penalty, however, will be reducible dollar-for-dollar by restitution made by Respondents to their unpaid livestock suppliers, up to a total reduction of One Hundred and Ten Thousand, Five Hundred and Seventy-eight Dollars and Eighty cents (\$110,578.80), in accordance with an Understanding Regarding Civil Penalty Payment Terms agreed to and ratified by the parties.

If Respondents fail to satisfy the terms of the Understanding, the entire civil penalty, for which restitution has not been made, will become due in full immediately, upon application of Complainant to the Administrative Law Judge, without further procedure. If Respondents satisfy the terms of the Understanding, Complainant shall request that the Administrative Law Judge issue an order reducing the civil penalty dollar-for-dollar for restitution made.

The Administrative Law Judge shall retain jurisdiction in this matter for the purpose of assessing the appropriate civil penalty, upon application of the Complainant as described herein.

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

Copies of this decision shall be served upon the parties.

[REDACTED]
Charles T. Sellers
for Cecil Sellers Cattle Company, LTD

[REDACTED]
Charles T. Sellers
for Sellers-CSCC, Inc.

[REDACTED]
Charles T. Sellers

[REDACTED]
John G. Dillard
Attorney for Respondents

CHRISTOPHER
YOUNG [REDACTED]

Christopher Young
Attorney for Complainant

CHARLES KENDALL [REDACTED]

Charles L. Kendall
Attorney for Complainant

Issued this 11th day of December

[REDACTED] on behalf of
Jill S. Clifton
Administrative Law Judge

Channing D. Strother
5 Chief Administrative Law
Judge