

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/DHG
2020 MAR 12 PM 3:16

In re:)
)
Euclid Stockyards, Inc. and) P&S Docket No. 19-J-0106
Jeremy T. Gorham,) P&S Docket No. 19-J-0107
)
Respondents)

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"), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) (the "Regulations"), by a Complaint filed by the Deputy Administrator of the Fair Trade Practices Program of the Agricultural Marketing Service, United States Department of Agriculture ("Complainant"), alleging that Euclid Stockyards, Inc. and Jeremy T. Gorham ("Respondents") willfully violated the Act and Regulations. This Consent Decision and Order ("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).

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 Consent Decision, including waiving challenges to the Administrative Law Judge's authority to enter this Consent Decision 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, and consent and agree, 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. Euclid Stockyards, Inc. ("Respondent Euclid") is a business located in the State of California, with a mailing address of 14185 South Euclid Avenue, Ontario, California 91762.

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

- (a) Engaged in the business of conducting and operating a posted stockyard subject to the provisions of the Act;
- (b) Engaged in the business of a market agency buying and selling consigned livestock in commerce on a commission basis at the stockyard; and
- (c) Registered with the Secretary of Agriculture as a market agency buying and selling livestock in commerce on a commission basis.

3. Jeremy T. Gorham ("Respondent Gorham") is an individual who has a mailing address of (b) (6)

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

- (a) The sole owner and president of Respondent Euclid;
- (b) Responsible for the day-to-day direction, management, and control of Respondent Euclid; and

(c) A market agency within the meaning of and subject to the provisions of the Act.

Conclusions of Law

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


(a) Engaging in the sale of livestock on a commission basis, without doing so openly and at the highest available bid (7 U.S.C. §§ 208, 213) (9 C.F.R. § 201.56(a)); and

(b) Using its custodial account for any purpose other than what is provided for by law (7 U.S.C. §§ 208, 213) (9 C.F.R. § 201.42(d)(3)).

2. In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are jointly assessed a civil penalty in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00). The payment must be by certified check or money order and be made payable to the Treasurer of the United States, sent to the following address: Attn: Timothy Hansen, United States Department of Agriculture, 1400 Independence Avenue. SW., Room 2507-S, Washington, DC 20250-3601. The certified check or money order shall include the docket number of this proceeding and shall be remitted upon delivery to Complainant, by Respondents, of the signed Consent Decision.

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 Respondents.

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


Jeremy T. Gorham
For himself and Euclid Stockyards, Inc.
Respondents


Jana Settles
Attorney for Respondents


BRIAN T. HILL
Attorney for Complaint

Issued in Washington D.C.

this 12 day of MAR, 2020

 for
Chief Administrative Law Judge

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