

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
H & H Cattle Services, LLC; and) P&S Docket No. 20-J-0015
Cecil W. Hatcher,) P&S Docket No. 20-J-0016
)
Respondents)
) Decision Without Hearing
) By Reason of Consent

REC'D - USDA/OALJ/OHC
2020 APR 20 AM 11:31

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, Fair Trade Practices Program, Agricultural Marketing Service, United States Department of Agriculture, alleging that the Respondents 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 Cecil W. Hatcher admits the jurisdictional allegations in paragraph I of the Complaint, specifically admits that the Secretary has jurisdiction in this matter, and neither admits nor denies the remaining allegations. Respondents waive oral hearing and further procedure, and waive all rights to seek judicial review and otherwise challenge or contest the validity of this decision. Respondents waive any 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. Respondents also waive any action against the United States Department of Agriculture (USDA) 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.

Respondents and Complainant each agree to the entry of this consent decision.

Findings of Fact

a. Cecil W. Hatcher d.b.a. H & H Cattle Services, LLC (Respondent) is an individual whose current address is in the (b) (6). Respondent's office, principal place of business, and mailing address is (b) (6).

b. Respondent Hatcher, at all times material herein, was:

- (1) President of Respondent corporation;
- (2) Member of Respondent corporation;
- (3) 90% owner of Respondent corporation; and
- (4) Responsible for the direction, management, and control of Respondent

corporation.

c. Respondent, at all times material herein, was engaged in the business of a dealer, within the meaning of and subject to the Act and the Regulations, buying and selling livestock in commerce for his own account or the accounts of others.

Conclusions of Law

Respondent Hatcher 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 Hatcher, his 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) Failing to pay the full purchase price for livestock purchases;
- b) Failing to pay, when due, the full purchase price of livestock;

c) Issuing checks in purported payment of livestock purchases without having and maintaining sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented; and

d) Charging sellers a handling fee.

2. Respondent Hatcher's registration under the Act is suspended for a period of three years, during which time respondent will not operate in any capacity that is subject to the Act and Regulations; provided, however, that after six months of active suspension, Respondent Hatcher may request a supplemental Order lifting this suspension, if the Packers and Stockyards Division approves his application to resume operations under the Act upon demonstration that:

a) Those livestock sellers identified in the Complaint for P&S Docket Nos. 20-J-0015 and 20-J-0016 with a Remaining Unpaid Balance have received full payment of the Remaining Unpaid Balance amounts, or Respondent and the sellers with Remaining Unpaid Balances have agreed to payment plans; and

b) Respondent has provided a bond acceptable to the Packers and Stockyards Division.

This Order shall have the same force and effect as if entered after a full hearing. The provisions of this Order shall become effective upon issuance. Copies of this Decision and Order will be served upon the parties.

Done at Washington, D.C.

this 20th day of April, 2020


Administrative Law Judge

[REDACTED]

Cecil W. Hatcher
Respondent

[REDACTED]

Kate Z. Schneider
Attorney for Complainant