

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) Docket No. D-20-J- **0127**
H.D. Hume)
d.b.a. H&H Livestock,)
Respondent) 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.) (Act), by a Complaint filed by the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service (AMS), 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.). 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).

Respondent admits the jurisdictional allegations in the complaint and specifically admits that the Secretary has jurisdiction in this matter, admits the remaining allegations as set forth herein as findings of fact and conclusions of law, 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.

Respondent consents and agrees, for the purpose of settling this proceeding, to the entry

of this decision. Complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. Respondent is an individual whose current address is in the (b) (6) Respondent's address will not be stated in this Consent Decision and Order to protect respondent's 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.
 - (b) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce and as a market agency buying livestock in commerce on a commission basis.

CONCLUSIONS OF LAW

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

ORDER

1. Respondent, 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) Issuing checks in payment for the livestock purchases which checks are returned unpaid by the bank upon which they are drawn because Respondent does not have and maintain sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented;

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JSDA, FTFF, PSD, MRB

- (b) Failing to pay, when due, the full purchase price of livestock; and
- (c) Failing to pay, the full purchase price of livestock.

2. Pursuant to 7 U.S.C. § 204, Respondent is suspended as a registrant under the Act for a period of five (5) years. This order may be modified to lift said suspensions upon application to the Packers and Stockyards Division and upon demonstration of payment of all amounts owed as a result of Respondent's failure to pay for livestock.

The provisions of this Order shall become effective upon issuance. Copies of this decision shall be served upon the parties.

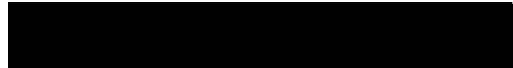


H.D. Hume
Respondent

CHRISTOPHE R YOUNG Digitally signed by CHRISTOPHER YOUNG
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Christopher Young
Attorney for Complainant

Done at Washington, D.C.
this 21st day of May, 2020



Channing D. Strother
Chief Administrative Law Judge