

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P&S Docket No. D-20-J-0135
	)	
James F. Tollett Jr., d/b/a	)	
Tollett Farms	)	
	)	
Respondent	)	Consent Decision and Order

REC'D - USDA/OALJ/OHC  
2020 AUG 28 PM 3:21

This proceeding was initiated 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 Packers and Stockyards Division (Division), Fair Trade Practice Program of the Agricultural Marketing Service, United States Department of Agriculture (Complainant). This Complaint alleged that James F. Tollett Jr., doing business as Tollett Farms (Respondent), willfully violated the Act and the regulations promulgated thereunder, 9 C.F.R. § 201.1 *et. seq.* This Consent Decision and Order is entered into pursuant to the Rules of Practice applicable to this proceeding under the Act. 7 C.F.R. § 1.138.

ADMISSIONS AND CONSENTS

Respondent admits the allegations in the Complaint and the findings of fact and conclusions of law in this Consent Decision and Order. Respondent specifically admits the jurisdictional allegations in the Complaint and that the U.S. Department of Agriculture (USDA) has jurisdiction over this matter. Respondent and Complainant agree to the issuance of this Consent Decision and Order without further procedure.

Respondent waives all rights to seek judicial review and otherwise contest the validity of this Consent Decision and Order under the Administrative Procedure Act or any other federal

law. Respondent specifically waives any action against USDA 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 a USDA employee in their individual capacity.

#### FINDINGS OF FACT

1. Respondent is an individual. The Respondent's address will not be stated in this Consent Decision and Order to protect the Respondent's privacy but will be provided to the USDA Hearing Clerk for purposes of service.
2. Respondent was, at all times material to this Consent Decision and Order, and as specifically described in the Complaint:
  - a) Engaged in the business of a dealer buying and selling livestock in commerce for his own account;
  - b) Engaged in the business of the market agency, buying livestock in commerce for the accounts of others on a commission basis; and
  - c) Registered with USDA as a dealer to buy and sell livestock in commerce and as a market agency to buy livestock on a commission basis.
3. Respondent failed to pay, when due, the full purchase price of livestock in ten transactions totaling \$142,587.24.
4. Respondent's dealer bond filed with the Division has been cancelled.

#### CONCLUSIONS OF LAW

Respondent willfully violated Sections 312(a) and 409 of the Act. 7 U.S.C. §§ 213(a), 228b. Respondent has admitted the jurisdictional facts and the parties have consented to the

issuance of this Consent Decision and Order without further procedure. This Consent Decision and Order shall have the same force and effect as a decision issued after a hearing.

ORDER

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 failing to pay, when due, the full purchase price of livestock.

Pursuant to 7 U.S.C. § 204, Respondent is suspended as a registrant under the Act for five years from the effective date of this Consent Decision and Order. During this suspension, Respondent is prohibited from operating as a dealer, market agency, or in any capacity for which registration and bond is required under the Act. This suspension may be reduced by the Division to two years if Respondent submits verified proof of payment of all amounts owed to livestock sellers identified in the Complaint and posts an appropriate bond or other financial instrument pursuant to 7 U.S.C. § 204.

This Consent Decision and Order shall become effective and final upon issuance. Copies of this Consent Decision and Order shall be served on the Respondent and the Complainant.

AGREED TO BY:



James F. Tolleff  
Respondent

BRITTA  
BECKSTEAD

Digitally signed by BRITTA  
BECKSTEAD  
Date: 2020.08.28 07:51:07 -0400

Britta Beckstead  
Attorney for Complainant

Done at Washington, D.C.

This 28 day of AUG, 2020



JILL S. CLIFTON  
Administrative Law Judge