

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
Michael Austin Hand) P&S Docket No. 20-J-0041
)
Respondent) Consent Decision and Order

REC'D - USDA/OALJ/OHC
2020 NOV 6 PM 2:03

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 (“USDA”), alleging that Michael Austin Hand (“Respondent”) willfully violated the Act and the regulations promulgate thereunder (9 C.F.R. § 201.1 *et seq.*) (the “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 admits the jurisdictional allegations in section I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, waives all rights to seek judicial review or otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge’s authority to enter this consent decision and order under the Administrative Procedure Act and the Constitution of the United States, and waives any action against the 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 the USDA employees in their individual capacity.

Respondent and Complainant each agree to entry of this consent decision.

Findings of Fact

- a. Respondent is an individual doing business as a sole proprietor. His current address is in the State of Georgia and not stated in herein to protect his privacy.
- b. Respondent is and, at all times material herein, was engaged in the business of a dealer and as a market agency buying on a commission basis.
- c. Respondent is registered as a livestock dealer and market agency buying on commission and clearor with a \$25,000 clause two and clause three bond.

Conclusions of Law

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

Order

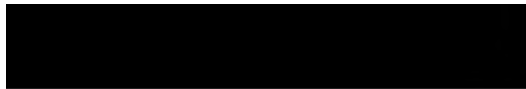
1. Respondent, his agents and employees, directly or through any corporate or other device, including, but not limited to, Michael Hand Livestock LLC, in connection with their operations subject to the Act, shall cease and desist from:
 - a. Failing to pay the full purchase price for livestock purchases;
 - 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 when presented;
 - d. Failing to keep such accounts, records and memoranda as to fully and correctly disclose all transactions involved in his business and
 - e. Operating while insolvent.

2. Respondent's registration under the Act is suspended for a period of 14 calendar days, beginning on the first business day after this Consent Decision and Order is entered on the date below. During the 14-calendar day period of suspension, Respondent, together with his agents and employees, will not operate, directly or through any corporate or other device, in any capacity that is subject to the Act and regulations.

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 consent decision and order will be served upon the parties.

Done at Washington, D.C.

This 6th day of Nov., 2020



Channing D. Strother
Chief Administrative Law Judge

Michael Austin Hand

Respondent

ADRIA

GREENE

Digitally signed by ADRIA
GREENE

Date: 2020.11.06 13:02:21
-05'00'

Adria Greene
Attorney for Complainant


2. Respondent's registration under the Act is suspended for a period of 14 calendar days, beginning on the first business day after this Consent Decision and Order is entered on the date below. During the 14-calendar day period of suspension, Respondent, together with his agents and employees, will not operate, directly or through any corporate or other device, in any capacity that is subject to the Act and regulations.

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 consent decision and order will be served upon the parties.

Done at Washington, D.C.

This 6th day of Nov., 2020


Channing D. Strother
Chief Administrative Law Judge


Michael Austin Hand
Respondent

November 6th 2020

Adria Greene
Attorney for Complainant