

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P&S Docket No. 20-J-0121
)
Rodney Rasco,)
)
Respondent)

REC'D - USDA/OALJ/OHC
2020 DEC 23 AM 8:30

CONSENT DECISION AND ORDER

This proceeding arises under the Packers and Stockyards Act (the Act), 7 U.S.C. §§ 181 *et seq.*, by a Complaint was filed by the Deputy Administrator, United States Department of Agriculture (USDA), Agricultural Marketing Service, Fair Trade Practices Program, Packers and Stockyards Division, alleging that Respondent Rodney Rasco willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. §§ 201.1, *et seq.*). Complainant and Respondent have agreed to the entry of this Decision, without hearing or further procedure, pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes, 7 C.F.R. § 1.138.

Respondent admits the jurisdictional allegations in paragraph 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 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; waives oral hearing and further procedure; and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this Decision.

Respondent agrees to the entry of this Consent Decision.

Findings of Fact

(1) Respondent, Rodney Rasco, is an individual whose current address is in the State of Mississippi. His address will not be stated in this consent decision to protect Respondent's privacy but has been provided to the Hearing Clerk, United States Department of Agriculture.

(2) Respondent at all times material herein was:

- a. Engaged in the business of a dealer buying and selling livestock in commerce for his own account and for the accounts of others; and
- b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

Conclusions

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

Order

Respondent shall, directly or through any corporate or other device, in connection with his operations subject to the Act, cease and desist from failing to pay the purchase price of livestock when due within the time period required by the Act.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of Six Thousand Dollars (\$6,000.00). Within seven days of the effective date of this Order, the Respondent shall pay Three Thousand Dollars (\$3,000.00)

through PAY.GOV, referencing P&S Docket No. 20-J-0121, as the Account Number.

Respondent agrees to enter his email address and the email address of the Complainant's counsel, Ashley.Craig@usda.gov, when making payment through PAY.GOV to ensure receipt of payment. Payment of the remaining Three Thousand Dollars (\$3,000.00) portion of this civil penalty will be held in abeyance for a period of two (2) years from the effective date of this Consent Decision and Order, as long as the Respondent fully complies with the requirements of the Act, the regulations, and the terms and conditions of this Consent Decision and Order as set forth below.

If Respondent commits no violations of the Act and the regulations promulgated thereunder and does not violate the terms and conditions of this Consent Decision and Order for two (2) years from the effective date of this Order, the Three Thousand Dollars (\$3,000) portion of the civil penalty that is held in abeyance shall be terminated at the end of said period. If, however, Complainant determines that Respondent has violated the Act, the regulations, or any terms or conditions of this Consent Decision and Order during the aforementioned two (2) year period, then Complainant may send a written notice of said violation(s) to the Respondent and Respondent may respond in writing within fourteen (14) days from the date of Respondent's receipt of the written notice. Immediately thereafter, the matter shall be reviewed by Packers and Stockyards Division, Fair Trade Practices Program, Agricultural Marketing Service, USDA, and a decision made within thirty (30) days as to the alleged violation(s). If Packers and Stockyards Division determines that such violation(s) have occurred, it may seek full and immediate payment of the Three Thousand Dollars (\$3,000.00) that was held in abeyance to be immediately due and payable without any further action by the agency.

This Order shall have the same force and effect as if entered after a full hearing. The provisions of this Order shall become final and effective upon on the day after service of this Consent Decision and Order on Respondent.

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

[Redacted]

RODNEY RASCO

Respondent

[Redacted]

ASHLEY CRIGG
Attorney for Complainant

Done at Washington D.C.,

this 22 day of DEC, 2020

[Redacted]

Administrative Law Judge

Jill S. Clifton