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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:)		
)		
Euclid Stockyards, Inc., d/b/a)	P & S Docket No.	D-15-0055
Euclid Stockyards,)		
)		
and)		
)		
Jeremy T. Gorham, d/b/a)	P & S Docket No.	D-15-0056
Euclid Stockyards,)		
)		
)		
Respondents)	Consent Decision	

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*) (Act), by a Complaint filed on January 8, 2015, by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondents willfully violated the Act and regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*)(Regulations). This decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138) (Rules of Practice).

Respondents admit the jurisdictional allegations in paragraph I of the Complaint and specifically admit that the Secretary has jurisdiction in this matter, admit the remaining allegations, 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.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Euclid Stockyards, Inc., doing business as Euclid Stockyards (Respondent Euclid Stockyards), is a corporation organized and existing under the laws of the State of California. The corporation's business mailing address is 14185 S. Euclid Ave., Ontario, CA 91762. Respondent Euclid Stockyard's agent for service of process is Jeremy T. Gorham, 4185 S. Euclid Ave., Ontario, CA 91762.
2. Jeremy T. Gorham (Respondent Gorham) is an individual doing business as Euclid Stockyards, whose business mailing address is 14185 S. Euclid Ave., Ontario, CA 91762.
3. Respondent Euclid Stockyards, under the direction, management, and control of Respondent Gorham, at all times material to the allegations herein was:
 - a) Engaged in the business of a dealer buying and selling livestock in commerce and as market agency selling livestock in commerce on a commission basis; and
 - b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and market agency to sell livestock in commerce on a commission basis.
4. Respondent Gorham, at all times material herein was:
 - a) Owner of 100% of the stock issued by Respondent Euclid Stockyards;
 - b) Registered agent for Respondent Euclid Stockyards;

- c) Engaged in the business of a market agency selling livestock in commerce on a commission basis; and
- d) Responsible for the direction, management, and control of Respondent Euclid Stockyards.

Conclusion

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

Order

Respondent Euclid Stockyards, Respondent Gorham, and their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and desist from:

1. Failing to deposit in their Custodial Accounts for Shippers' Proceeds within the times prescribed in section 201.42 of the regulations (9 C.F.R. § 201.42) amounts equal to the outstanding proceeds receivable from the sale of consigned livestock;
2. Failing to maintain their Custodial Accounts for Shippers' Proceeds in strict conformity with section 201.42 of the regulations (9 C.F.R. § 201.42).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondents are assessed, jointly and severally, a civil penalty in the amount of twenty thousand dollars (\$20,000.00), which shall be paid by a certified check or money order made payable to the Treasurer of the United States and shall be sent to Ciarra A. Toomey, Attorney, Office of the General Counsel, U.S. Department of Agriculture, Room 2331-B, South Building, 14th and Independence Avenue, SW., Washington, D.C. 20250. The certified

check or money order should include the docket numbers of this proceeding, P&S
Docket No. 15-0055 and 15-0056.

This Order shall have the same force and effect as if entered after full hearing. The
provisions of this Order shall become final and effective upon issuance (7 C.F.R. §
1.138).

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.

this 1 day of June, 2015




Administrative Law Judge

Jill S. Clifton

Euclid Stockyards, Inc.,
Respondent

By: Jeremy Gorham

Title: Pres/Owner


Jeremy T. Gorham
Respondent


Ciarra A. Toomey
Attorney for Complainant