

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/OHC
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In re:)	P&S Docket No. Docket: 21-J-0026,
)	21-J-0027, 21-J-0028, 21-J-0029
)	
Patton Junction Livestock Auction, Inc.;)	
Allan Sharrock;)	
Sherri Sharrock; and)	
Shelly Barks)	
)	
)	
Respondents)	Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (“Act”), 7 U.S.C. §§ 181 *et seq.*, by a Complaint filed by the Deputy Administrator, United States Department of Agriculture, Agricultural Marketing Service, Fair Trade Practices Program, Packers and Stockyards Division, alleging that Respondents Patton Junction Livestock Auction, Inc., Allan Wayne Sharrock, Sherri Sharrock, and Shelly Barks willfully violated the Act and the regulations promulgated thereunder (regulations at 9 C.F.R. §§ 201.1 *et seq.*). This Decision and Order is entered pursuant to the consent decision provision of the rules of practice applicable to this proceeding, section 1.138 (7 C.F.R. § 1.138).

Respondents admit 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 Respondents in connection with this proceeding or any action against any USDA employee in their individual capacity. The parties consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this Decision.

Findings of Fact

- (a) Respondent corporation Patton Junction Livestock Auction, Inc., is a business organized under the laws of, and located in, the State of Missouri. Respondent corporation's agent for service of process is Mr. Allan Wayne Sharrock.
- (b) Respondents Allan Sharrock, Sherri Sharrock, and Shelly Barks are individuals associated with Respondent corporation.
- (c) At all times material herein, Respondents were engaged in the business of, and operated as, a market agency buying and selling livestock on commission in commerce under the Act, within the meaning of and subject to the Act.
- (d) Respondents, during the period of January 2020 through March 2020, failed to maintain and properly use their custodial account. During this same timeframe, Respondents misused custodial account funds.

Conclusions

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


Order


Respondents and their agents, employees, successors and assigns, directly or indirectly or through any corporate or other device, in connection with Respondents' activities subject to the Packers and Stockyards Act, shall cease and desist from: failing to maintain their custodial account and misusing custodial account funds. Respondents are further assessed a civil penalty of \$14,280.00, to be paid immediately. The civil penalty shall be paid by certified check or money order made payable to the Treasurer of the United States and sent, along with this fully executed Consent Decision and Order, to **USDA-AMS-FTPP-PSD, PO Box 979064, St. Louis, Missouri 63197-9000.**


This Consent Decision and Order is not to be construed as in any way limiting the authority of the Packers and Stockyards Division to investigate and monitor Respondents' activities that are subject to the Act to assure the Respondents' compliance with the Act and Regulations as authorized by the Act and Regulations.


This Consent Decision and Order shall have the same force and effect as if entered after full hearing. 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 on the sixth (6th) day after service of this Consent Decision and Order on Respondents.

Copies of this decision shall be served upon the parties.


Allan Sharrock on behalf of Patton Junction Livestock Auction, Inc., (or representative on behalf of Respondent)
Respondent


Allan Sharrock
Respondent


Sheri Sharrock
Respondent


Sherry Barks
Respondent

Jara Settles
Attorney for Respondent

Aaron Buzawa
Attorney for Complainant

Done at Washington, D.C.

this _____ day of August, 2021

Administrative Law Judge

Allan Sharrock
Respondent

Sherri Sharrock
Respondent

Shelly Barks
Respondent

[Redacted Signature]

Jana Settles
Attorney for Respondent
AARON
BUZAWA

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AARON BUZAWA
Date: 2021.08.25
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Aaron Buzawa
Attorney for Complainant

Done at Washington, D.C. this

25 day of August 2021

[Redacted Signature]

Jill S. Clifton

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CLIFTON

Date: 2021.08.25 15:26:31

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Administrative Law Judge