

**UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE**

In re:)	P&S Docket Nos. 21-J-0032
)	and 21-J-0033
)	
Barnesville Livestock, LLC,)	
)	
and)	
)	
Darryl Watson,)	
)	
Respondents)	Consent Decision and Order

REC'D - USDA/OALJ/HCO
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P&S Docket No. 21-J-32, *In re: Barnesville Livestock, LLC*, is currently at the post-answer stage. In P&S Docket No. 21-J-33, *In re: Darryl Watson*, the Chief Administrative Judge entered a Decision and Order Without Hearing by Reason of Default on September 15, 2021 in which Darryl Watson was fined \$15,000 and suspended and barred from registration for 30 days and thereafter until the custodial account is brought into balance. Mr. Watson is the sole owner of Barnesville Livestock, LLC. In the interest of settling both P&S Docket No. 21-J-32 and P&S Docket No. 21-J-33, the parties to both cases have agreed to this Consent Decision and Order.

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”), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) (the “Regulations”), and the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130 through 1.151)(“Rules of Practice”) by a Complaint filed by the Deputy Administrator of the Agricultural Marketing Service, United States Department of Agriculture (“Agency”), alleging that Barnesville Livestock, LLC (“Respondent LLC”) and Darryl Watson (“Respondent Watson”) willfully violated the Act and Regulations. This Consent Decision and Order (“Order”) is entered pursuant to the consent

decision provision of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in paragraph I of the Complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, waive all rights to seek jurisdictional review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Order under the Administrative Procedure Act and the Constitution of the United States, and waive 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 arising out of the Complaint, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

1. Barnesville Livestock, LLC ("Respondent LLC") is a business located in the State of Ohio, with a physical address of 315 S. Gardner Street, Barnesville, Ohio; and a mailing address of P.O. Box 166, New Concord, OH 43762.

Respondent LLC is, and at all times material herein was:

- a. Engaged in the business of a market agency selling consigned livestock in commerce on a commission basis at the stockyard; and
- b. Registered with the Secretary of Agriculture as a market agency selling livestock in commerce on a commission basis.

2. Darryl Watson ("Respondent Watson") is an individual whose current address is in the

██████████ His address will not be stated in this Order to protect Respondent Watson's privacy but has been provided to the Hearing Clerk, United States Department of Agriculture.

Respondent Watson is, and at all times material herein was:

- a. The sole owner of Respondent LLC;
- b. Respondent Watson is Respondent LLC's registered agent for service of process in the State of Ohio.
- c. Responsible for the day-to-day direction, management, and control of Respondent LLC; and
- d. A market agency within the meaning of and subject to the provisions of the Act.

Conclusions of Law

Respondents LLC and Watson having admitted the jurisdictional facts, and the parties having agreed to the entry to this Order, the Order will be entered.

Order

1. Respondents, their agents, and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from the violations of the Act and regulations described above.
2. The Agency waives the 30-day suspension and registration bar ordered against Respondent Watson.
2. Respondents have jointly and severally agreed to pay and Complainant has agreed to accept a civil penalty of \$15,000 for the purpose of settling these proceedings. This payment shall be a check or money order payable to the United States Treasury and include the docket number of this proceeding in the memo line. The payment shall be sent to the following address:

USDA, Fair Trade Practices Program, Packers and Stockyards Division, P.O. Box 979064, St. Louis, MO 63197-9000. This civil penalty shall be paid as follows: \$2,500 due on the day Respondents execute this Consent Decision and Order; \$1,000 due October 1, 2021; \$1,000 due November 1, 2021; \$1,000 due December 1, 2021; \$1,000 due January 1, 2022; and \$1,000 due February 1, 2022 for a total payment of \$7,500. This \$7,500 reduced civil penalty may be paid earlier without penalty. The remaining \$7,500 of the reduced civil penalty shall be held in abeyance for a six-month period from the signing of this Order, contingent upon Respondents paying the \$7,500 reduced civil penalty in full and remaining in compliance with the Act. Should Respondents fail to comply with the Act during this six-month period, the \$7,500 shall become immediately due and payable.

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

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

Done at Washington, D.C.

This 29th day of Sept., 2021

CHANNING STROTHER Digitally signed by CHANNING STROTHER
Date: 2021.09.29 12:20:12 -04'00'


Chief Administrative Law Judge

Respondent Barnesville Livestock, LLC

By:


Darryl Watson, Member-Manager


Respondent Darryl Watson, individually


Atty for Respondents

GRACE

WILHELM

Digitally signed by
GRACE WILHELM
Date: 2021.09.27
07:44:00 -05'00'

Grace Anne Wilhelm
Attorney for Complainant