

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	
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Southeast Mississippi Livestock)	P&S Docket No. 18-0070
(A.A.L.))	
)	
)	
)	
Respondent)	Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201 *et seq.*) (regulations), by a Complaint filed by the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service (AMS), United States Department of Agriculture. The Complaint alleged that Respondent willfully violated the Act and the regulations. Complainant and Respondent have agreed to entry of this Consent 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) (Rules of Practice).

Respondent admits the jurisdictional allegations in the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, 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. Respondent consents and agrees, 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

(a) Southeast Mississippi Livestock (A.A.L.) (Respondent) is a cooperative organized and existing under the laws of the state of Mississippi with a principal place of business at 7677 Hwy 49, Hattiesburg, MS 39404 and a mailing address of P.O. Box 16238, Hattiesburg, MS 39404.

(b) At all times material herein, Respondent was:

(1) Engaged in the business of a market agency buying and selling livestock in commerce on commission buying;

(2) Engaged in the business of a dealer, buying and selling livestock in commerce; and

(3) Registered with the Secretary of Agriculture as a market agency and as a dealer, as those terms are defined and used in the Act and the regulations promulgated thereunder.

Conclusions

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

Respondent, its agents and employees, successors and assigns, directly or through any device, in connection with Respondent's activities subject to the Act, shall cease and desist from:

1. Allowing key employees to purchase livestock from consignment for their own accounts, in violation of section 312(a) of the Act (7 U.S.C. § 213(a)) and section 201.56(c) of the regulations (9 C.F.R. § 201.56(c)); and
2. Creating false or misleading records in order to conceal the true identity of livestock purchasers, in violation of section 312(a) of the Act (7 U.S.C. § 213(a)) and section 201.56(c) of the regulations (9 C.F.R. § 201.56(c)), and section 401 of the Act (7 U.S.C. § 221).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondent is hereby assessed, jointly and severally, a civil penalty in the amount of three-thousand dollars (\$3,000.00). The payment shall be sent to the following address: USDA, Office of General Counsel, ATTN: Christopher Young, Room 2343, Stop 1413, 1400 Independence Ave., S.W. 20250-1413.

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 the Respondent.

Done at Washington, D.C.,
this 17th Day of August, 2018



Acting Chief Channing D. Strother
Administrative Law Judge

Southeast Mississippi Livestock (A.A.L.)
Respondent,

By: Julius Miller

Title: Board Pres



Southeast Mississippi Livestock (A.A.L.) Official
Respondent

CHRISTOPHER YOUNG Digitally signed by CHRISTOPHER YOUNG

Christopher Young
Attorney for Complainant