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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Roland Cook
d/b/a RC Livestock,

Respondent

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P&S Docket No. D - 18-0050

Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 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), by a Complaint filed by the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service (Complainant). The Complaint alleges that Roland Cook, d/b/a RC Livestock (Respondent) willfully violated the Packers and Stockyards Act and the regulations promulgated thereunder. Complainant and Respondent have agreed to 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) (the Rules of Practice).

Respondent admits the jurisdictional allegations in the complaint and specifically admits that the Secretary has jurisdiction in this matter, admits the remaining allegations as set forth herein as findings of fact and conclusions of law, 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.

Respondent consents and agrees, for the purpose of settling this proceeding, to the entry of this decision. Complainant agrees to the entry of this decision.

Findings of Fact

(1) Respondent is an individual doing business as a business entity, in the state of Wisconsin.

(2) Respondent is, and 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 the account of others, within the meaning of and subject to the provisions of the Act; and

(b) Registered with the Secretary of Agriculture as a dealer, buying and selling livestock in commerce.

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, his agents and employees, successors and assigns, directly or through any device, in connection with Respondent's activities subject to the Packers and Stockyards Act, shall cease and desist from purchasing livestock in commerce and failing to pay or failing to pay

when due, the full purchase price of such livestock as prescribed by sections 312(a) and 409 of the Packers and Stockyards Act (7 U.S.C. §§ 213(a) and 228b).

Pursuant to 7 U.S.C. § 204, Respondent, operating individually or through any corporate or other device, is suspended from operating under the Act for a period of three (3) years, provided, however, that after 90 days Respondent may work as a salaried employee of an entity who is properly registered and bonded with the Fair Trade Practices Program, Packers and Stockyards Division or a Packer who is properly bonded pursuant to applicable regulations under the Packers and Stockyards Act. Upon application to the Fair Trade Practices Program, Packers and Stockyards Division, a supplemental order may be issued terminating the suspension after one (1) year upon demonstration by Respondent that all unpaid livestock sellers have been paid in full.

This Order shall have the same force and effects as if entered after full hearing. The provisions of this Order shall become final and effective upon the sixth (6) day after service of this Consent Decision and Order on Respondent.

Done at Washington, D.C.

this 20 day of June, 2018

 for
Administrative Law Judge

Acting Chief Judge
Channing D. Strother


Roland Cook
d/b/a RC Livestock
Respondent


Christopher Young
Attorney for Complainant