



UNITED STATES DEPARTMENT OF AGRICULTURE
 BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P&S Docket Nos. 18-0052
 Edmond Shackelford Rochelle,)
 d/b/a Ford Rochelle,)
)
 Respondent) Decision without Hearing
) By Reason of Consent

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) by a Complaint filed by the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service (AMS), United States Department of Agriculture, alleging that the Respondent willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*) (Regulations). This consent decision is entered pursuant to the consent decision provision of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent Edmond Shackelford Rochelle admits the jurisdictional allegations in paragraph I of the Complaint, specifically admits that the Secretary has jurisdiction in this matter, and neither admits nor denies the remaining allegations. Respondent waives oral hearing and further procedure, waives all rights to seek judicial review and otherwise challenge or contest the validity of this decision. Respondent waives any 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. Respondent also 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.

Complainant agrees to the entry of this consent decision.

Findings of Fact

a. Edmond Shackleford Rochelle d.b.a. Ford Rochelle (Respondent) is an individual operating as a sole proprietor based in the state of Texas. Respondent's office, principal place of business, and mailing address is PO Box 61, Nash, TX 75569.

b. At all times material herein, Respondent was:

1. Engaged in the business of a dealer, as that term is defined and used in the Act and the regulations promulgated thereunder; and

2. Engaged in the business of a market agency buying livestock on commission basis; and

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

Conclusions of Law

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

Order

1. Respondent Rochelle, his agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from:

a) Failing to pay the full purchase price for livestock purchases;

b) Failing to pay, when due, the full purchase price of livestock;

c) Issuing checks in purported payment of livestock purchases without having and maintaining sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented; and

d) Failing to keep and maintain records which fully and correctly disclose all transactions involved in his business as a livestock dealer, specifically records from livestock auction markets concerning the purchase and sale of livestock.

2. Respondent Rochelle's registration under the Act is suspended for a period of five years, during which time respondent will not operate in any capacity that is subject to the Act and regulations. Provided, however, that after 30 days of active suspension and upon application to the Packers and Stockyards Program, Respondent Rochelle may request a supplemental order that permits his salaried employment by another registrant or packer, or other modification of the suspension. A request to permit salaried employment by another registrant or packer would be subject to complainant's verification of Respondent Rochelle's employment status with the registrant or packer, and complainant's research of the registrant or packer's history of compliance with the Act and regulations. Provided further, that any time after one year from the start of the five year suspension period, Respondent Rochelle may request a supplemental order allowing for the acceptance of a bond by the Packers & Stockyards Division from Respondent Rochelle and

lifting the suspension upon Respondent's demonstration that the unpaid livestock sellers identified in the Complaint have been paid in full.

This Order shall have the same force and effect as if entered after a full hearing. The provisions of this Order shall become effective upon issuance. Copies of this decision and Order will be served upon the parties.

Done at Washington, D.C.

this 28 day of Aug, 2018

Administrative Law Judge

for

Edmond Shackelford Rochelle
Respondent

Lauren E. Becker
Attorney for Complainant

Acting Chief
Administrative Law Judge
Channing D. Strother