

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Brian D. Jones

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P & S Docket No. 17-0012

Respondent

Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181 *et seq.*), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Respondent Brian D. Jones (hereinafter Respondent) willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. §§ 201.1 *et seq.*). This consent decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

Respondent admits 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, and 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) Respondent Brian D. Jones (Respondent) is an individual with a mailing address in the State of (b) (6). The address will not be stated in the consent to protect the privacy of Respondent, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture.

b) At all times material herein, Respondent JCO, under the direction, management, and control of Respondents R. Renee Davis and Jay Davis, was:

1. Engaged in the business of a dealer buying and selling livestock in commerce; and
2. Registered and bonded with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

c) At all times material herein, Respondent was:

1. Engaged in the business of a dealer buying and selling livestock in commerce.

Conclusion

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

Order

Respondent, his agents and employees, directly or through any corporate or other device, in connection with his operations subject to the Act, shall cease and desist from conducting business in violation of the Act.

In accordance with 7 U.S.C. § 204, Respondent consents to a two-year suspension, to begin five days after the signing of this consent, whereby Respondent will not engage in any dealings under the Act.

Additionally, in accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of Thirty-Six Thousand Dollars (\$36,000), to be held in abeyance during Respondent's two-year suspension. It is the understanding of the parties that, if Respondents, their agents and employees, directly or through any corporate or other device, in connection with his operations subject to the Act, commit any future violations of the Act, a request shall be made to have the abeyance lifted and Respondent will be made accountable for

the entirety of the civil penalty. Moreover, prior to any dealings under the act after the two-year suspension, Respondent shall ensure that he is properly registered and adequately bonded.

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become effective upon issuance.

Copies of this decision and order shall be served upon the parties.

Done at Washington, D.C.

19th 18th This ~~24th~~ day of ~~October~~, 2016 *JANUARY, 2017*

CBS

Administrative Law Judge

Channing D. Strother


Brian D. Jones
Respondent


Matthew Scott Weiner
Attorney for Complainant