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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P&S Docket No. 18-0021
Farmington Livestock, LLC,)	18-0022
and Keith Robertson,)	
)	Decision without Hearing
Respondents)	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 Acting Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondents 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).

Respondents Farmington Livestock, LLC and Keith Robertson 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 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 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 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

1. Farmington Livestock, LLC (Farmington) is a business organized under the laws of and located in the State of Missouri, with a mailing address of P.O. Box 471, Bourbon, Missouri, 65441.

2. Farmington is, and at all times material herein was:

- a) Engaged in the business of conducting and operating a posted stockyard subject to the provisions of the Act;
- b) Engaged in the business of a market agency selling consigned livestock in commerce on a commission basis at the stockyard; and
- c) Registered with the Secretary of Agriculture as a market agency selling livestock in commerce on a commission basis.

3. Keith Robertson (Robertson) is an individual whose business mailing address is P.O. Box 471, Bourbon, Missouri, 65441.

4. Respondent Robertson is, and at all times material herein was:

- a) A 100 percent owner and president of Farmington;
- b) Registered Agent of Farmington;
- c) Responsible for the day-to-day direction, management, and control of Farmington;
- d) Engaged in the business of conducting and operating Farmington, a stockyard posted under and subject to the provisions of the Act; and

e) Engaged in business as a market agency selling livestock in commerce on a commission basis within the meaning of and subject to the provisions of the Act.

Conclusions of Law

Respondents Farmington and Robertson 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. Respondents Farmington and Robertson, their 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 deposit into its Custodial Account for Shippers' Proceeds an amount equal to the proceeds receivable from the sale of consigned livestock within the time prescribed by section 9 C.F.R. § 201.42(c) of the Regulations;

b) failing to otherwise maintain the Custodial Account for Shippers' Proceeds in strict conformity with the Act and section 201.42 of the Regulations (9 C.F.R. § 201.42); and

c) engaging in unfair, unjustly discriminatory, or deceptive practices in violation of sections 201.53 and 203.4 of the Regulations (9 C.F.R. §§ 201.53 and 203.4).

2. Respondents are suspended as registrants under the Act for a period of 14 days continuing until respondent Farmington demonstrates to GIPSA that its Custodial Account is in balance. Once Respondents demonstrate that their Custodial Account is in balance, GIPSA will file a motion for a supplemental order lifting the registration suspension.

3. In accordance with sections 307, 312(a), and 401 of the Act (7 U.S.C. §§ 208, 213(a), 221) and section 201.53 of the Regulations (9 C.F.R. § 201.53), Respondents are assessed,

jointly and severally, a civil penalty in the amount of \$10,000, to be paid by certified check or money order made payable to the Treasurer of the United States and sent to USDA GIPSA, PO Box 790335, St. Louis, Missouri 63179-0335. The certified check or money order shall include the docket numbers of this proceeding, Docket Nos. 18-0021 and 18-0022. The civil penalty will become due and payable 30 days after the effective date of this order.

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 April 19, 2018.

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

Done at Washington, D.C.

this 5th day of April, 2018

Acting Chief Administrative Law Judge

Respondent,
Farmington Livestock, LLC

By:

Title: _____

Keith Robertson
Respondent

Lauren E. Becker
Attorney for Complainant