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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Eugene Thomsson,

Respondent

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P & S Docket No. D-10-0079

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Decision Without Hearing
By Reason of Consent

Preliminary Statement

This is a disciplinary proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act) instituted by a Complaint filed on December 22, 2009 by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, charging that Eugene Thompson (Respondent) willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (Rules of Practice) applicable to this proceeding (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 decision.

Complainant agrees to the entry of this decision.

Findings of Fact

(1) Eugene Thompson is an individual whose mailing address is a home address and is on file with the Hearing Clerk's Office, United States Department of Agriculture.

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

(a) Engaged in the business of buying and selling livestock in commerce as a dealer for his own account and for the account of others; and

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account and as a market agency buying on commission.

Conclusions

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

Order

Respondent is hereby suspended as a registrant under the Act for a period of five (5) years and assessed a civil penalty of ten thousand dollars (\$10,000.00) to be held in abeyance due to Respondent's financial situation. Except as provided below, Respondent will not be obligated to pay the assessed penalty after 5 full years of suspension.

Upon application of Respondent to the Packers and Stockyards Program, a supplemental order may be issued terminating the suspension of Respondent at any time after one (1) year upon demonstration by Respondent that he has obtained the required bond or bond equivalent and of circumstances warranting the termination. The circumstances warranting early termination of the suspension include payment of the civil penalty held in abeyance.

If Respondent violates the terms of this Order during the period of suspension, or as a condition for early termination of the suspension after 1 year, the civil penalty will become due and payable. Respondent will have 10 days from the date it receives written notice from the Deputy Administrator of the Packers and Stockyards Program, indicating that Respondent has violated the terms of this Order, to make full payment of the \$10,000 held in abeyance without further hearing or procedure.

The provisions of this Order shall become final and effective upon issuance (7 C.F.R. § 1.138).

[Redacted signature]

Eugene Thompson

[Redacted signature]

Jonathan Gordy
Attorney for Complainant

Done at Washington, DC

this 19th day of January 2011

[Redacted signature]

Administrative Law Judge