

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P. & S. Docket No. D-07-0030
)	
Bobby T. Tindel)	
)	
Respondent)	
)	Decision Without Hearing
)	by Reason of Default

This disciplinary proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.; hereinafter “Act”), by a Complaint filed on November 21, 2006, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (hereinafter “Complainant”), alleging that the Respondent willfully violated the Act.

The Complaint and a copy of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.; hereinafter “Rules of Practice”) were served on Respondent by certified mail on November 29, 2006. Respondent was informed in a letter of service that an answer must be filed within twenty (20) days of service and that failure to file an answer would constitute an admission of all the material allegations contained in the Complaint and a waiver of the right to an oral hearing.

Respondent has failed to file an answer within the time period prescribed by the Rules of Practice (7 C.F.R. § 1.136), and the material facts alleged in the Complaint, which are admitted by Respondent’s failure to file an answer, are adopted and set forth herein as findings of fact.

This Decision and Order, therefore, is issued pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Bobby T. Tindel (hereinafter “Respondent”), is an individual whose mailing address is P.O. Box 53, Chandler, Texas, 75758.

2. Respondent, at all times material herein, was:

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

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

3. Respondent, in connection with his operations subject to the Act, on or about the dates and in the transactions described below, purchased livestock and failed to pay, when due, the full purchase price of the livestock.

Purchase Date	Seller	No. of Head	Due Date	Amount Due	Date Paid	Check No.	Check Amount	Days Late
1/18/06	Anderson County Livestock	9	1/19/06	\$4,705.40	1/25/06	2917	\$4,705.40	6
1/25/06	Anderson County Livestock	3	1/26/06	\$2,604.10	2/1/06	2920	\$2,604.10	6
2/1/06	Anderson County Livestock	4	2/2/06	\$2,320.95	2/8/06	2927	\$2,320.95	6
2/8/06	Anderson County Livestock	3	2/9/06	\$1,818.00	2/15/06	2942	\$1,818.00	6
2/15/06	Anderson County Livestock	15	2/16/06	\$8,441.80	2/22/06	2947	\$8,441.80	6
2/22/06	Anderson County Livestock	10	2/23/06	\$5,195.95	3/1/06	2953	\$5,195.95	6

3/1/06	Anderson County Livestock	10	3/2/06	\$6,594.60	3/15/06	2960	\$6,594.60	13
3/15/06	Anderson County Livestock	1	3/16/06	\$420.00	4/5/06	2966	\$420.00	20
3/22/06	Anderson County Livestock	2	3/23/06	\$855.00	4/5/06	2976	\$855.00	13
4/5/06	Anderson County Livestock	7	4/6/06	\$3,751.80	4/12/06	2987	\$3,751.80	6
4/12/06	Anderson County Livestock	8	4/13/06	\$3,700.20	4/19/06	2993	\$3,700.20	6
1/6/06	Athens Comm'n Co.	28	1/9/06	\$14,876.43	1/13/06	2906	\$14,876.43	4
1/13/06	Athens Comm'n Co.	14	1/17/06	\$6,855.80	1/20/06	2911	\$6,855.80	3
1/20/06	Athens Comm'n Co.	6	1/23/06	\$3,210.25	1/27/06	2916	\$3,210.25	4
1/27/06	Athens Comm'n Co.	5	1/30/06	\$2,441.15	2/3/06	2924	\$2,441.15	4
2/17/06	Athens Comm'n Co.	6	2/21/06	\$3,463.00	2/24/06	2948	\$4,817.65	3
2/17/06	Athens Comm'n Co.	2	2/21/06	\$1,354.65	2/24/06	2948	\$4,817.65	3
2/24/06	Athens Comm'n Co.	10	2/27/06	\$7,002.50	3/3/06	2956	\$7,002.50	4
3/3/06	Athens Comm'n Co.	13	3/6/06	\$7,404.70	3/10/06	2961	\$7,404.70	4
3/24/06	Athens Comm'n Co.	1	3/27/06	\$749.00	4/14/06	2949	\$749.00	18
3/31/06	Athens Comm'n Co.	2	4/3/06	\$1,192.20	4/7/06	2982	\$1,192.20	4

4/7/06	Athens Comm'n Co.	9	4/10/06	\$5,098.85	4/14/06	2989	\$5,098.85	4
4/14/06	Athens Comm'n Co.	16	4/17/06	\$8,502.33	4/21/06	2996	\$8,502.33	4

Conclusions

By reason of the facts found in Findings of Fact 3, Respondent willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b).

Order

Respondent, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from failing to pay the full amount of the purchase price for livestock within the time period required by the Act and the regulations promulgated under it.

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of One Thousand Five Hundred dollars (\$1,500.00).

This Decision and Order shall become final and effective without further proceedings thirty-five (35) days after service on Respondent, unless appealed to the Judicial Officer by a party to the proceeding within thirty (30) days after service as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139, 1.145).

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

Done at Washington, D.C.

this 24th day of April , 2007

Marc R. Hillson
Administrative Law Judge