

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**BEFORE THE SECRETARY OF AGRICULTURE**

P. & S. Docket No. D-08-0165

In re: LEE JOHNSON,

Respondent

**DEFAULT DECISION AND ORDER**

This is a disciplinary proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*)(hereinafter referred to as the “Act”), instituted by a Complaint filed on August 20, 2008, by the Deputy Administrator, Packers and Stockyards Program, GIPSA, United States Department of Agriculture. The Complaint alleged that during the period October 23, 2007, through November 15, 2007, Lee Johnson, (hereinafter “Respondent”), Respondent issued checks in payment for five (5) livestock purchases from four (4) sellers, in a total amount of \$107,229.89, which were returned unpaid by the bank upon which they were drawn because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which the checks were drawn to pay them when presented. The Complaint further alleged that Respondent purchased livestock in the five (5) transactions above and in one (1) additional transaction with an additional seller, and failed to pay the full purchase price of such livestock, in a total amount of \$127,674.66. A copy of the Complaint was mailed to Respondent by certified mail at his last known mailing address on August 21, 2008, and was returned marked “Unclaimed” to the office of the Hearing Clerk on September 22, 2008. A copy of the Complaint was remailed to Respondent at the same address by ordinary mail on September 23, 2008, pursuant to Section 1.147(c) of the Rules of Practice (7 C.F.R. § 1.147(c)) and is therefore deemed served. Respondent has not answered the Complaint. The time for filing an answer having expired, and upon motion of the

Complainant for the issuance of a Default Order, the following Decision and Order shall be issued without further procedure pursuant to Section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

**Findings of Fact**

1. Lee Johnson (hereinafter “Respondent”) is an individual whose mailing address is 1540 AN CR 489, Montalba, Texas 75863.

2. Respondent at all times material to this Complaint was engaged in the business of buying and selling livestock in commerce as a dealer for his own account and was registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.

3. As set forth in paragraph II of the Complaint, during the period October 23, 2007, through November 15, 2007, Lee Johnson, (hereinafter "Respondent"), purchased livestock and failed to pay the full purchase price of such livestock, in a total amount of \$127,674.66, to five (5) sellers for six (6) transactions, and issued checks in purported payment for five (5) of those transactions which were returned unpaid by the bank upon which they were drawn because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which the checks were drawn to pay them when presented.

### **Conclusions of Law**

1. The Secretary has jurisdiction over this matter.
2. Respondent's failures to make full payment promptly with respect to the six (6) transactions set forth in the total amount of \$127,674.66, and his issuance of insufficient funds checks, constitute willful violations of sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b) for which the Order below is issued.

### **Order**

Respondent Lee Johnson, his agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from failing to pay the full purchase price of livestock.

In accordance with 7 U.S.C. § 204, Respondent Lee Johnson is suspended as a Registrant under the Act for a period of six (6) years.

Pursuant to the Rules of Practice governing procedures under the Act, this Decision will become final without further proceedings 35 days after service hereof unless appealed to the Secretary by a party to the proceeding within 30 days after service as provided in Sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. 1.139 and 1.145).

Copies hereof shall be served upon the parties.

Done at Washington, D.C.  
February 17, 2009

---

**PETER M. DAVENPORT**  
Administrative Law Judge