

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P&S Docket No. 12-0516
)
Anderson Livestock Auction Co.,)
)
and)
)
Jerry Anderson,)
)
)
Respondents) Consent Decision

This proceeding was instituted under the Packers and Stockyards Act (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 Respondents Anderson Livestock Auction Co. and Jerry Anderson violated the Act. This 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 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, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

- (a) Respondent Anderson Livestock Auction Co. is a corporation organized under the laws of the State of Utah, with a mailing address of P.O. Box 451, Willard, Utah 84340.
- (b) Respondent Anderson Livestock Auction Co., under the direction, management, and control of Respondent Jerry Anderson, is, and at all times material herein was:
 - (1) Engaged in the business of conducting and operating Anderson Livestock Auction Co., a stockyard posted under and subject to the provisions of the Act;
 - (2) Engaged in the business of a dealer buying and selling livestock in commerce and as a market agency selling consigned livestock on a commission basis in commerce; and
 - (3) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce and as a market agency to buy and sell livestock on a commission basis in commerce.
- (c) Respondent Jerry Anderson is an individual whose business mailing address is P.O. Box 451, Willard, Utah 84340.
- (d) Respondent Jerry Anderson is, and at all times material herein was:
 - (1) President of Respondent Anderson Livestock Auction, Co.;
 - (2) Owner of 100% of Respondent Anderson Livestock Auction, Co.; and
 - (3) Responsible for the direction, management and control of Respondent Anderson Livestock Auction, Co.
- (e) Respondent Jerry Anderson is, and at all times material herein was:
 - (1) Engaged in the business of conducting and operating Anderson Livestock Auction, Co., a stockyard posted under and subject to the provisions of the Act; and

(2) Engaged in the business of a dealer buying and selling livestock in commerce and as a market agency selling consigned livestock on a commission basis in commerce.

Conclusions

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

Order

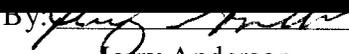
Respondents, their agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from failing to properly maintain their custodial account for shippers' proceeds in strict conformity with the Act and section 201.42 of the regulations (9 C.F.R. § 201.42).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondents are hereby assessed, jointly and severally, a civil penalty in the amount of Three Thousand Five Hundred Dollars (\$3,500.00).

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective on the sixth (6th) day of this Consent Decision and Order on the respondents (7 C.F.R. § 1.138).

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

Anderson Livestock Auction Co.


By: 
Jerry Anderson

[REDACTED]
Jerry Anderson, Respondent

[REDACTED]
Ernest Van Hooser
Attorney for Respondents

[REDACTED]
Lisa Jabaily
Attorney for Complainant

Done at Washington, D.C.

this 18th day of January, 2013.

[REDACTED]
Administrative Law Judge

for Chief [REDACTED]