

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)
)
Plainville Livestock Commission, Inc.,)
)
and)
)
Tyler Gillum,)
)
)
Respondents)

Docket No. 14- 0076
14-0077

Decision without Hearing
by Reason of Consent

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 Plainville Livestock Commission, Inc. and Tyler Gillum 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 admits nor denies 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 Plainville Livestock Commission, Inc., is a corporation organized under the laws of the State of Kansas, with a mailing address of PO Box 356, Plainville, Kansas, 67663.

(b) Respondent Tyler Gillum is an individual whose business mailing address is PO Box 356, Plainville, Kansas, 67663.

(c) Respondent Plainville Livestock Commission, Inc., under the direction, management, and control of Respondent Tyler Gillum, is, and at all times material herein was:

- (1) Engaged in the business of conducting and operating Plainville Livestock Commission, Inc., a stockyard posted under and subject to the provisions of the Act;
- (2) Engaged in the business of a market agency selling livestock on a commission basis in commerce; and
- (3) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis in commerce.

(d) Respondent Tyler Gillum is, and at all times material herein was:

- (1) President of Respondent Plainville Livestock Commission, Inc.;
- (2) Owner of 100% of Plainville Livestock Commission, Inc.; and
- (3) Responsible for the direction, management and control of Respondent Plainville Livestock Commission, Inc.

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 Sixteen Thousand Dollars (\$16,000.00).

Respondents, their agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from failing to keep and maintain accounts, records, and memoranda that fully and correctly disclose all transactions involved in their business.

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.



Tyler Gillum
Respondent



Lisa Jabaily
Attorney for Complainant

Done at Washington, D.C.

this 27th day of March, 2014



Administrative Law Judge