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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	
Richard Reece)	P & S Docket No. D-15- 0133
)	
Respondent)	
)	CONSENT DECISION AND
)	ORDER
)	

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (“the Act”), by a Complaint filed on June 15, 2015 by the Deputy Administrator of the Grain Inspection, Packers and Stockyards Administration (“GIPSA”), of the United States Department of Agriculture (“Complainant”), alleging that Respondent Richard L. Reece (“Respondent”) willfully violated the Act. This Consent Decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statues (7 C.F.R. § 1.130 *et seq.*) (“Rules of Practice”).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint and specifically admits that the Secretary of the United States Department of Agriculture (“USDA”) has jurisdiction in this matter; neither admits nor denies the remaining allegations; waives oral hearing and further procedure, including all rights to seek judicial review and otherwise challenge or contest the validity of this decision; 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. Richard L. Reece, (hereinafter "Respondent") is an individual with a mailing address of (b) (6).
2. At all times material to the complaint, the Respondent 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 an individual dealer to buy and sell livestock in commerce.

Conclusion

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

ORDER

Respondent Richard L. Reece, his agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from failing to pay and failing to pay, when due, the full purchase price of livestock.

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of ten thousand dollars (\$10,000) and is suspended for a period of ninety (90) days. The ninety (90) day suspension shall be held in abeyance until the civil penalty is paid in full. The civil penalty shall be paid as follows:

1. The civil penalty shall be paid in full within twenty-four (24) months after the date of the first payment, with the first payment being due April 1, 2016. Payments shall be made in monthly installments of \$416.67. Each payment shall be paid by a certified

check, cashier's check, or money order made payable to: "Treasurer of the United States" and include the docket number of this proceeding, P&S Docket No. 15-0133.

2. The initial payment of \$416.67 shall be due on April 1, 2016.
3. The remaining monthly installments shall be due on or before the tenth of each month thereafter until the civil penalty is paid in full, no more than twenty-four (24) months after the first payment. For instance, the second payment of \$416.67 shall be due on or before May 10, 2016. The third payment of \$416.67 shall be due on or before June 10, 2016. The final payment of \$416.67 shall be due on or before March 10, 2018.
4. All payments shall be mailed in an envelope with sufficient first class postage to:

USDA – GIPSA, P.O. Box 790335, St. Louis, Missouri 63179

Until such time that the civil penalty is paid in full, if the Respondent fails to comply with any of the terms of this Consent Decision and Order, the Act, or regulations, any remaining balance of the civil penalty will become immediately due and payable. Respondent will have until the first of the following month after receiving written notification from the Deputy Administrator of the Packers and Stockyards Program indicating that the terms of this Order, the Act, or regulations have been violated to make full payment of the balance of the civil penalty. If payment is not made in full by the first of the following month, the ninety (90) day suspension held in abeyance will become effective immediately without further procedure. It is within GIPSA's sole discretion to determine whether Respondent is in compliance with the terms of this Consent Decision and Order. If the Packers and Stockyards Program has not sent written notification that this Consent Decision and Order, the Act, or regulations have been violated at the time the civil penalty is paid in full, the suspension will be terminated.

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become effective upon issuance (7 C.F.R. § 1.138).

Copies of this Consent Decision shall be served upon the parties.

Issued this 8 day of MAR, 2016,
in Washington, D.C.


ADMINISTRATIVE LAW JUDGE

Jill S. Clifton


DOUGLAS A. FULTON
Attorney for Respondent


ELIZABETH M. KRUMAN
Attorney for Complainant