

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE
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In re:) P & S Docket No. D-08-0018
Welch Livestock Market, Inc.,)
Respondent) Consent Decision

This is a disciplinary proceeding under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*), hereinafter the "Act." On November 15, 2007, a Complaint was issued against Welch Livestock Market, Inc. alleging that Respondent willfully violated section 312(a) of the Act (7 U.S.C. §§ 213(a)), and section 201.43 of the Regulations (9 C.F.R. §201.43).

Complainant and Respondent have now agreed to entry of this decision, without hearing or further procedure, pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter; neither admits nor denies the remaining allegations; waives oral hearing and further procedure; and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

Findings of Fact

1. Welch Livestock Market, Inc. at all times material to the Complaint was a corporation incorporated and doing business in the State of New York with a mailing address of PO Box 9, West Edmeston, NY 13485.

2. At all times material to the Complaint, Respondent was:

(a) Engaged in the business of selling livestock in commerce on a commission basis, and;

(b) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis and as a dealer to buy or sell livestock in commerce for its own account or the accounts of others.

Conclusions

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

Order


Respondent, Welch Livestock Market, Inc., its agents and employees, directly or through any corporate or other device, in connection with Respondent’s activities subject to the Packers and Stockyards Act, shall cease and desist from failing to remit, when due, the net proceeds due from the sale price of livestock sold on a commission basis.

The provisions of this Order shall become final and effective upon its issuance.


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


Issued in Washington D.C.

this 8th day of May, 2008



Administrative Law Judge


Howard Mattice, President
Welch Livestock Market, Inc.



Gary F. Ball
Attorney for Complainant