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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P&S Docket No. D- 18-0066
	)	
Carolina Stock Yards Company, Inc.	)	
and Robert Crabb, Jr.,	)	
	)	Decision without Hearing by
	)	Reason of Consent
	)	
Respondents	)	

This proceeding was instituted under the Packers and Stockyards Act of 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (the Act) by a Complaint filed by the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service, United States Department of Agriculture, alleging that the Respondents willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*) (Regulations). This consent 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 Carolina Stock Yards Company and Robert Crabb, Jr. admit the jurisdictional allegations in paragraph I of the Complaint and the specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, waive all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waive any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by

respondent in connection with this proceeding or any action against any USDA employee in their individual capacity.

Complainant agrees to the entry of this consent decision.

Findings of Fact

1. Respondent Carolina Stock Yard Company, Inc. (Corporate Respondent) is a corporation organized under the laws of the State of North Carolina, with a physical address of 260 Stockyard Road, Staley, North Carolina 27355, and a mailing address of P.O. Box 345, Siler City, North Carolina 27344;
2. Respondent Robert Crabb, Jr. (Respondent Crabb), is an individual whose physical business address is 260 Stockyard Road, Staley, North Carolina 27355, and whose business mailing address is P.O. Box 345, Siler City, North Carolina 27344;
3. Respondent Crabb, is, and at all times material herein was:
  - a. A 40 Percent Owner, President and has the responsibility of general manager of Corporate Respondent;
  - b. Engaged in the business of conducting and operating Corporate Respondent, a market agency selling on commission that is posted under and subject to the provisions of the Act; and
  - c. Responsible for the day to day operations, direction, management and control of Corporate Respondent;
4. At all times material to this Order, Corporate Respondent was:
  - a. Engaged in the business of a market agency selling livestock on a commission basis;
  - b. Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis; and

c. Operating subject to the Act and the Regulations within the jurisdiction of the Secretary.

Conclusions of Law

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

Order

1. Corporate Respondent and Respondent Crabb (collectively, Respondents), their 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:
  - a. Failing to deposit into their Custodial Accounts for Shippers' Proceeds an amount equal to the proceeds receivable from the sale of consigned livestock within the time prescribed by section 201.42 of the Regulations (9 C.F.R. § 201.42);
  - b. Failing to otherwise maintain the Custodial Account for Shippers' Proceeds in strict conformity with the Act and section 201.42 of the Regulations (9 C.F.R. § 201.42); and,
2. In accordance with sections 307 and 312(a) of the Act (7 U.S.C. §§ 208, 213(a)), and section 201.42 of the regulations (9 C.F.R. § 201.42) Respondents are assessed, jointly and severally, a civil penalty of \$4,000, to be paid by certified check or money order made payable to the Treasurer of the United States. The certified check or money order shall include the docket number of this proceeding. Payment is due upon the filing of this Order.
3. Respondents, in connection with their operations subject to the Act, and pursuant to

section 401 of the Act (7 U.S.C. § 221), shall keep and maintain such accounts, records, and memoranda as fully and correctly disclose all transactions subject to the Act and regulations. Specifically, Respondents will maintain records showing claims by consignors for injured, damaged, lost, or dead livestock. Respondents will maintain records showing the names of consignors who make claims, the nature or cause of the claim, the amount paid on any claims under any insurance scheme, and the date of claims and any payments that were made on claims. Specifically regarding insurance, respondents shall keep records on, and how, it self-insures including records on: determination of rates; the filing or recording of claims; procedures for payment; the causes of death of livestock for which claims would be paid; the procedures for determining whether claims would be paid; the time within which approved claims would be paid; and the disposition or handling of unused self-insurance funds.

Done at Washington, D.C.  
 This 16<sup>th</sup> day of August, 2018

[Redacted Signature]

*Acting Chief* Administrative Law Judge

[Redacted Signature]

Jonathan D. Gordy  
 Attorney for Complainant

[Redacted Signature]

Robert Crabb Jr., President and General Manager, for Carolina Stock Yards Company  
 And for himself, as an individual