

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket Nos. 20-J-0108
) 20-J-0109
Minnix Cattle Company, LLC and)
Gregory A. Minnix,)
)
Respondents) Consent Decision and Order

REC'D - USDA/DALJ/OAC
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This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*)(the Act), by a Complaint filed on April 6, 2020, by the Deputy Administrator, Fair Trade Practices Program (Packers and Stockyards Division), Agricultural Marketing Service, United States Department of Agriculture, alleging that Minnix Cattle Company, LLC, and Gregory A. Minnix (Respondents) willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*)(the regulations). 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 paragraphs I and II 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; 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 Respondents in connection with this proceeding or any action against any USDA employee in their individual capacity. The

parties consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this Decision.

Findings of Fact

1. Respondent Minnix Cattle Company, LLC (Respondent MCC) is a limited liability company organized and existing under the laws of the state of Virginia with a principal place of business and mailing address of 14265 Lee Hwy, Buchanan, Virginia 24066.
2. At all times material herein, Respondent MCC was:
 - (a) Engaged in the business of a dealer buying and selling livestock in commerce; and
 - (b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock and as a market agency to buy on commission.
3. Gregory A. Minnix (Respondent Minnix) is an individual whose current mailing address is P.O. Box 303, Buchanan, Virginia 24066.
 - (a) Respondent Minnix is, and at all times material herein was:
 1. Manager and 100 percent owner of Respondent MCC;
 2. Responsible for direction, management and control of Respondent MCC;
 3. Engaged in the business of a dealer buying and selling livestock in commerce as well as a market agency buying on commission.

Conclusions

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 through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from:

1. Failing to pay, when due, the full purchase price of livestock;
2. Issuing checks to livestock sellers without having sufficient funds in the bank upon which they were drawn to pay such checks when presented; and
3. Operating while insolvent.

Respondent Minnix Cattle Company, LLC is suspended for period of five (5) years.
Respondent Gregory Minnix is prohibited from registering, individually or otherwise, to engage in business subject to the Act for a period of five (5) years, to commence on the effective date of this Order; provided, however, that upon application to the Packers and Stockyards Division, a supplemental order may be issued terminating the prohibition from registering at any time after six (6) months upon Respondent Gregory Minnix' demonstration, to the satisfaction of the Packers and Stockyards Division, that, (a) all unpaid livestock sellers identified in the complaint underlying this Order have been paid in full, or a written schedule of restitution has been arranged with all the unpaid livestock sellers, and (b) Respondent Gregory Minnix is no longer insolvent.

Copies of this decision shall be served upon the parties.



Gregory A. Minnix
for Minnix Cattle Company, LLC
Respondent


Gregory A. Minnix
Respondent

BUREN KIDD Digitally signed by BUREN KIDD
Date: 2020.11.09 16:45:42 -05'00'

Buren W. Kidd
Attorney for Complainant

Issued this 10th day of November


Channing D. Strother
Chief Administrative Law Judge