



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

7010 SEP 27 PM 1:56

RECEIVED

In re:)	
)	P&S Docket No. 18-0065
)	
John Cathey)	
)	
Respondent)	Decision by Reason of Consent

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 Respondent 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).

Respondent John Cathey 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, waives 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 waives 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.

Respondent John Cathey consent and agrees, for the purpose of settling this proceeding, to the entry of this decision. The parties agree this Consent resolves all matters related to the Complaint filed in this matter and any unresolved violation of the Packers and Stockyards Act that may have arisen before or during the pendency of this Complaint. Complainant agrees to the entry of this decision.

Findings of Fact

1. John Cathey (Respondent) is an individual whose current address is in the State of [REDACTED]. His address will not be stated in this document to protect his privacy but the address has been provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service.

2. Respondent is, and at all times material herein was:

a. Engaged in the business of a market agency buying livestock on a commission basis, and;

b. Formerly registered with the Secretary of Agriculture as a market agency to buy livestock on a commission basis. This registration was administratively inactive as of April, 17 2018.

Conclusions

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

Order

Respondent Cathey, his agents or employees, directly or indirectly through any corporate or other device, shall cease and desist from operating without bond or registration as required by the Act and Regulations.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of five thousand five hundred dollars (\$5,500). The provisions of this order shall become final and effective on issuance.

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.
this 5 day of Sept., 2018.

[Redacted signature]

Jill S. Clifton FOR
Acting Chief
Administrative Law Judge
Channing D. Strother

[Redacted signature]

John Cathey
Respondent

[Redacted signature]

Jonathan Gordy
Attorney for Complainant