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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P&S Docket No. 19-0001  
John P. McGraw )  
Respondent ) Decision without Hearing  
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 Acting Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service (AMS), United States Department of Agriculture, alleging that the Respondent 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).

John P. McGraw, (Respondent) admits the jurisdictional allegations in paragraph I of the Complaint, specifically admits that the Secretary has jurisdiction in this matter, and neither admits nor denies the remaining allegations. Respondent waives oral hearing and further procedure, waives all rights to seek judicial review and otherwise challenge or contest the validity of this decision. Respondent waives any 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. Respondent also 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.

Complainant agrees to the entry of this consent decision. Upon issuance of this Order, Complainant will take no further action with regard to the conduct alleged in the complaint, other than as it relates to a violation of the terms of this Order.

#### Findings of Fact

a. John P. McGraw (Respondent) is an individual operating as a sole proprietor based in the state of Missouri. Respondent's office, principal place of business, and mailing address is P.O. Box 521, Marshall, Missouri 65340.

b. Respondent, at all times mentioned herein was:

1. Engaged in the business of a dealer buying and selling livestock in commerce on a commission basis; and
2. Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce on a commission basis.

#### Conclusions of Law

Respondent McGraw 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. Respondent McGraw, 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 engaging in unfair, unjustly discriminatory, or deceptive practices by generating or causing to be generated purchase invoices with false information.


2. In accordance with section 312(a) of the Act (7 U.S.C. § 213(a)), Respondent is assessed a civil penalty in the amount of \$6,500, to be paid by certified check or money order made payable to the Treasurer of the United States and sent to USDA AMS, PO Box 790335, St. Louis,

Missouri 63179-0335. The certified check or money order shall include the docket number of this proceeding, Docket No. 19-0001.

This Order shall have the same force and effect as if entered after a full hearing. The provisions of this Order shall become effective upon issuance. Copies of this decision and Order will be served upon the parties.

Done at Washington, D.C.

this 27 day of FEB, 2019

  
Administrative Law Judge Jill S. Clifton

  
John P. McGraw  
Respondent

  
Lauren E. Becker  
Attorney for Complainant