

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	Docket No. D-19- 0005
Allen Thompson Jr. and Chuck)	D-19-0006
Thompson, a Missouri partnership,)	
)	
Respondent)	Consent Decision and Order

REC'D - USDA/DALY/DHG
2019 MAY 17 AM 10:05

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (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 Respondent willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*). 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).

Respondent admits the jurisdictional allegations in the complaint and specifically admits that the Secretary has jurisdiction in this matter, admits the remaining allegations as set forth herein as findings of fact and conclusions of law, 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.

The parties consent and agree, for the purpose of settling this proceeding, to the entry of

this decision.

FINDINGS OF FACT

1. Respondent is a Missouri partnership whose business mailing address is 1875 Clear Springs Rd., Willow Springs, Missouri 65793.
2. Respondent is, and at all times material herein was:
 - (a) Engaged in the business of a dealer buying and selling livestock in commerce and as a market agency buying livestock in commerce on a commission basis; and
 - (b) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce and as a market agency buying livestock in commerce on a commission basis.

CONCLUSIONS OF LAW

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

ORDER

1. Respondent, his agents and employees, directly or through any corporate or other device, in connection with his operations subject to the Act, shall cease and desist from:
 - (a) Engaging in any act, practice, or course of business for the purpose of obtaining money from the purchasers of livestock by false or deceptive pretenses, or which operates or would operate as a fraud or deceit upon any person in connection with the purchase or sale of livestock;
 - (b) Misrepresenting to its principals or to other purchasers of livestock, or aiding and assisting any person to misrepresent to such persons, the original purchase

prices, weights or shrinkage allowances of such livestock;

(c) Preparing and issuing, or causing to be prepared and issued, in connection with the purchase or sale of livestock, accounts of purchases, invoices, billings or any other document showing false, inaccurate or misleading price, weight, or shrinkage allowance entries for such livestock;

(d) Collecting payment from its principals or from other purchasers of livestock, or aiding and assisting any person to collect from such persons, on the basis of false, inaccurate or misleading invoices or billings.

2. In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty of \$20,500 to be paid by certified check or money order made payable to the Treasurer of the United States with \$5,500 to be postmarked no later than June 15, 2019, with three subsequent payments of \$5,000 each, due November 1, 2019, May 1, 2020 and October 1, 2020 and sent to **USDA, Fair Trade Practices Program, P&S Division, PO Box 790335, St. Louis, Missouri 63179-0335**. The certified check or money order shall include the docket number of this proceeding.

3. In accordance with sections 6(b) and 10 of the Federal Trade Commission Act as made applicable to the jurisdiction of the Secretary of Agriculture pursuant to 7 U.S.C. § 222 and with section 201.97 of the regulations (9 C.F.R. § 201.97), Respondent shall file all outstanding annual reports, including its 2014, 2015, and 2017 reports. The annual reports shall be filed with the **AMS, FTTP, Packers and Stockyards Division, 210 Walnut Street, Suite 317, Des Moines, IA 50309-2110**.

4. Respondent, in connection with its operations as a livestock dealer and market agency buying on commission, shall keep and maintain such accounts, records, and memoranda

as fully and correctly disclose their transactions subject to section 401 of the Act (7 U.S.C. § 221) and section 203.4 of the regulations (9 C.F.R. § 203.4), including livestock purchase invoices.

The provisions of this Order shall become effective upon issuance. Copies of this decision shall be served upon the parties.

[Redacted signature]

Allen Thompson Jr.
Respondent

[Redacted signature]

Chuck Thompson
Respondent

[Redacted signature]

Christopher Young
Attorney for Complainant

Done at Washington, D.C.

this 17th day of May, 2019

[Redacted signature]

Chief Administrative Law Judge
Channing D. Strother

