

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/DALJ/OHC  
2019 OCT 8 PM 3:50

In re: )  
 )  
 Calvin Plummer, Jr. )  
 d/b/a J&J Cattle and J-J, ) P&S Docket No. D-19-J-0064  
 )  
 )  
 Respondent ) Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act ("Act"), 7 U.S.C. §§ 181 *et seq.*, by a Complaint filed by the Deputy Administrator, United States Department of Agriculture, Agricultural Marketing Service, Fair Trade Practices Program, Packers and Stockyards Division, alleging that Respondent Calvin Plummer, Jr. d/b/a J&J Cattle and J-J willfully violated the Act and the regulations promulgated thereunder (regulations at 9 C.F.R. §§ 201.1 *et seq.*). This Decision and Order is entered pursuant to the consent decision provision of the rules of practice applicable to this proceeding, section 1.138 (7 C.F.R. § 1.138).

Respondent 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. 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

(a) Respondent is an individual whose business mailing address is (b) (6) [REDACTED]  
(b) (6) [REDACTED]

(b) At all times material herein, Respondent engaged in the business of and operated as a market agency buying livestock on commission in commerce under the Act, within the meaning of and subject to the Act.

(c) Respondent engaged in the business of a market agency buying livestock on commission in commerce without obtaining the necessary registration and bond as required by the Act and the Regulations.

Conclusions

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

Order

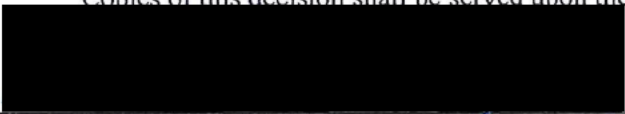
Respondent and its agents, employees, successors and assigns, directly or indirectly or through any corporate or other device, in connection with Respondent's activities subject to the Packers and Stockyards Act, shall cease and desist from: engaging in any and all operations subject to the Packers and Stockyards Act without being bonded or registered pursuant to the Act. Respondent is further assessed a civil penalty of \$9,000.00, to be paid immediately. The civil penalty shall be paid by certified check or money order made payable to the Treasurer of


the United States and sent, along with this fully executed Consent Decision and Order, to **USDA-AMS-FTPP-PSD, PO Box 979064, St. Louis, Missouri 63197-9000.**

This Consent Decision and Order is not to be construed as in any way limiting the authority of the Packers and Stockyards Division to investigate and monitor Respondent's activities that are subject to the Act to assure the Respondent's compliance with the Act and Regulations as authorized by the Act and Regulations.

This Consent Decision and Order shall have the same force and effect as if entered after full hearing. This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective upon on the sixth (6th) day after service of this Consent Decision and Order on Respondent.

Copies of this decision shall be served upon the parties.

  
Calvin Plummer, Jr. d/b/a J&J Cattle and J-J (or representative on behalf of Respondent)  
Respondent


  
Leon W. Willsie  
Attorney for Respondent

CHRISTOPHER  
YOUNG 

Christopher Young  
Attorney for Complainant

Done at Washington, D.C.

this 8<sup>th</sup> day of October, 2019

  
*Chief* Administrative Law Judge

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*Channing D. Strother*