

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/OHC  
2019 NOV 21 PM4:17

In re:	)	
Hatch Auction, Inc.,	)	P & S Docket No. 19-J-0079
d.b.a. Cow House, and	)	
	)	
Raymond L. Hatch,	)	P & S Docket No. 19-J-0080
	)	
Respondents	)	Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act, 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 (Packers & Stockyards Division), Agricultural Marketing Service, U.S. Department of Agriculture, alleging that respondents Hatch Auction, Inc. (Respondent Hatch Auction) and Raymond L. Hatch (Respondent Raymond Hatch) violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*) (the regulations). This consent decision and order is entered pursuant to section 1.138 (7 C.F.R. § 1.138) of the Rules of Practice Governing Formal Adjudicatory Procedures Instituted by the Secretary under Various Statutes (Rules of Practice) (7 C.F.R. § 1.130 *et seq.*).

Respondents admit the jurisdictional allegations in 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

of 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. Hatch Auction is a corporation organized under the laws of the State of New Mexico, with its principal place of business located at 4002 Highway 64, Kirtland, New Mexico 87417. Its mailing address is P.O. Box 1489, Fruitland, New Mexico 87416. The corporation's registered agent for service of process is: Raymond Hatch, [REDACTED]

[REDACTED] Respondent Hatch Auction also operates as Cow House.

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

(a) Engaged in the business of conducting and operating a posted stockyard subject to the provisions of the Act;

(b) Engaged in the business of a market agency selling consigned livestock in commerce on a commission basis at the stockyard; and

(c) Registered with the Secretary of Agriculture as a market agency selling livestock in commerce on a commission basis.

3. Raymond Hatch is an individual.

4. Respondent Raymond Hatch is, and at all times material herein was:

(a) Owner and President of Respondent Hatch Auction;

(b) Registered Agent of Respondent Hatch Auction;

(c) Responsible for the day-to-day direction, management, and control of Respondent Hatch Auction;

(d) Engaged in the business of conducting and operating a posted stockyard subject to the provisions of the Act; and

(e) Engaged in the business of a market agency selling consigned livestock in commerce on a commission basis within the meaning of and subject to the provisions of the Act.

#### Conclusion

Respondents having admitted the jurisdiction facts, and the parties having agreed to the entry of this consent decision, the consent decision and order will be entered.

#### Order

Respondents Hatch Auction and Raymond Hatch, their agents and employees, directly and through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from:

1. Failing to deposit in the Custodial Account for Shippers' Proceeds, within the times prescribed in section 201.42 of the regulations (9 C.F.R. § 201.42), amounts equal to the outstanding proceeds receivable from the sale of consigned livestock; and
2. Failing to otherwise maintain the Custodial Account for Shippers' Proceeds in strict conformity with the Act and the provisions of section 201.42 of the regulations (9 C.F.R. § 201.42).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents jointly and severally are assessed a civil penalty in the amount of twenty thousand dollars (\$20,000.00).

In accordance with 7 U.S.C. § 204, the registrations of Respondents Hatch Auction and Raymond Hatch are suspended for a period of fifty (50) days and thereafter until Respondent Hatch Auction demonstrates that the shortages in the Custodial Account for Shippers' Proceeds have been eliminated. The suspension and the payment of the civil penalty will be applied in

accordance with a separate Understanding entered into by the parties. Pursuant to § 303 of the Act (7 U.S.C § 203), Respondents are prohibited from engaging in any operation subject to the Packers and Stockyards Act while their registrations are suspended.

In accordance with section 401 of the Act (7 U.S.C. § 221) Respondents will keep and maintain records that fully and correctly disclose all transactions involved in their business subject to the Act.

The provisions of this order shall become effective on the sixth day after service of this order on Respondents.

Copies of this decision and order shall be served on the parties.

Done at Washington, D.C.  
this 21<sup>st</sup> day of November 2019



*Chief*  
Administrative Law Judge  
*Channing D. Strother*

Respondent Hatch Auction, Inc.

By: 

Title: *Pres.*



Raymond L. Hatch  
Respondent

CHARLES  
KENDALL 

Charles L. Kendall  
Attorney for Complainant