

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P&S Docket No. 20-J-0009
)
JOHN (JOHNNY) P. HORTON)
)
Respondent) Consent Decision and Order

This proceeding was initiated under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181, *et seq.*) (the “Act”), by a Complaint filed on October 7, 2019, by the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service, United States Department of Agriculture, alleging that Respondent willfully violated the Act. 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 (Johnny) P. Horton, 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, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

1. Respondent John P. Horton is an individual whose mailing address is in the State of [REDACTED] Respondent's address will not be stated in the consent decision and order to protect his privacy, but will be provided to the Hearing Clerk, United States Department of Agriculture, of the purpose of service of this consent decision and order.

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

a) Engaged in the business of a dealer buying and selling livestock in commerce for his own account;

b) Engaged in the business of a market agency buying livestock on a commission basis; and;

c) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy livestock on a commission basis.

Conclusions of Law

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

Order

Respondent Horton, 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 failing to pay, when due, for livestock purchases, when acting as a dealer and/or market agency.

In accordance with 7 U.S.C. § 213(b), the Respondent is assessed a civil penalty in the amount of eight hundred fifty dollars (\$850), 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. 20-J-0009. The civil penalty will become due and payable six (6) months/180 days after the effective date of this order.

This order shall have the same force and effect as if entered after a full hearing. The provisions of this Order shall become effective on the day after service of this order on the Respondent.

Copies of this decision and Order shall be served upon the parties.

Issued in Washington, D.C.

This 10th day of August, 2020.



Chief

Administrative Law Judge

Channing D. Strother



John (Johnny) P. Horton

Respondent



Angela Boyd Mathews

Attorney for Complainant