

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	
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ROBB TAYLOR and)	P&S Docket No. 17-0254
TAYLOR LIVESTOCK, LLC,)	P&S Docket No. 17-0255
)	
Respondents)	

DEFAULT DECISION AND ORDER

Appearances:

Lauren C. Axley, Esq., with the Office of the General Counsel, United States Department of Agriculture, 1400 Independence Avenue, SW, Washington D.C. 20250, for the Complainant, Grain Inspection, Packers, and Stockyards Administration [GIPSA]; and

Respondents, pro se.

Preliminary Statement

This disciplinary proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), by a complaint filed on April 17, 2017, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration [GIPSA or Complainant], United States Department of Agriculture, alleging that the respondents, Robb Taylor and Taylor Livestock, LLC [Respondents] willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*).

The Complaint and a copy of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 *et seq.*) [Rules of Practice] were sent to Respondents via certified mail on April 18, 2017. The complaints were returned to the Hearing Clerk’s Office as “refused” on May 1, 2017 (Robb Taylor, HPA Docket No. 17-0254) and May 8, 2017 (Taylor Livestock, LLC, HPA Docket No. 17-0255). Pursuant to section 1.147(c)(1) of the Rules of Practice, the complaints were subsequently sent to

Respondents via regular mail on May 2, 2017, and May 12, 2017 (7 C.F.R. § 1.147(c)(1)). Therefore, the complaints were thereby deemed to have been served upon the respondents on May 2, 2017, and May 12, 2017.

Respondents were informed in the letter of service accompanying the complaints that an answer should be filed pursuant to the Rules of Practice and that failure to answer would constitute an admission of all the material allegations contained in the Complaint. Respondents did not file an answer to the Complaint within the twenty-day time period as required by section 1.136 of the Rules of Practice (7 C.F.R. § 1.136).¹

On June 7, 2017, Complainant filed a “Motion for Default Decision and Order” [Motion for Default] and “Proposed Default Decision and Order” [Proposed Decision]. As of this date, Respondents have not filed any objections thereto.²

¹ United States Postal Service records reflect that copies of the Complaint were sent to Respondents via certified mail on April 18, 2017; however, the certified mailing sent to Respondent Robb Taylor was returned “refused” on May 1, 2017, and the certified mailing sent to Respondent Taylor Livestock, LLC, was returned “refused” on May 8, 2017. In accordance with section 1.147 of the Rules of Practice (7 C.F.R. § 1.147(c)(1)), the Hearing Clerk’s Office re-mailed copies of the Complaint by ordinary mail to Respondent Robb Taylor on May 2, 2017 and to Respondent Taylor Livestock, LLC, on May 12, 2017. Respondents had twenty (20) days from the date of service to file a response. 7 C.F.R. § 1.136(a). Weekends and federal holidays shall be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following work day. 7 C.F.R. §§ 1.147(g), (h). In this case, Respondent Robb Taylor’s answer was due by May 22, 2017, and Respondent Taylor Livestock, LLC’s answer was due by May 30, 2017. As of this date, neither Respondent has filed an answer. Failure to file a timely answer or failure to deny or otherwise respond to allegations in the Complaint shall be deemed, for purposes of this proceeding, an admission of the allegations in the Complaint, unless the parties have agreed to a consent decision. 7 C.F.R. § 1.136(c). Other than a consent decision, the Rules of Practice do not provide for exceptions to the regulatory consequences of an untimely filed answer.

² The Hearing Clerk’s records reflect that the Motion for Default and Proposed Decision were sent to Respondents on June 8, 2017. Respondents had twenty (20) days from the date of service to file objections to Complainant’s motion. 7 C.F.R. § 1.139. Weekends and federal holidays shall not be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following work day. 7 C.F.R. §§ 1.147(g), (h). In this case, Respondents’ objections were due by June 28, 2017. Respondents did not file any objections on or before that date.

Because Respondents have failed to file an answer within the time period prescribed by the Rules of Practice (7 C.F.R. § 1.136(a)), the material facts alleged in the Complaint—which are admitted by Respondents’ failure to file an answer—are adopted and set forth herein as Findings of Fact. This Decision and Order, therefore, is issued pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Respondent Robb Taylor is an individual. His address was not stated in the Complaint to protect the privacy of Mr. Taylor but was provided to the Hearing Clerk’s Office, United States Department of Agriculture, for the purposes of service of the Complaint.

2. Respondent Taylor Livestock, LLC, under the direction, management, and control of respondent Robb Taylor was, at all times material herein engaged in the business of a dealer buying and selling livestock in commerce; and registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

3. Respondent Taylor Livestock, LLC’s registration became inactive on July 26, 2013.

4. Respondent Robb Taylor is, and at all times material herein was the sole owner of respondent Taylor Livestock, LLC; and responsible for the direction, management and control of Taylor Livestock, LLC; and engaged in the business of a dealer buying and selling livestock in commerce.

5. In July, 2011, Respondents were notified by the Western Regional Office, Grain Inspection, Packers and Stockyards Administration [GIPSA], by certified mail, in a Notice of Violation letter, that GIPSA had information indicating that Respondents had engaged in livestock transactions where they failed to pay for livestock by the close of the next business day. The letter

referenced section 409 of the Act (7 U.S.C. § 228b) and section 201.43 of the regulations promulgated thereunder (9 C.F.R. § 201.43) and notified Respondents of their obligation to correct their business practices. The letter also stated that failure to comply with the Act may result in an administrative complaint filed against them.

6. On April 24, 2013, former Chief Administrative Law Judge Peter M. Davenport issued a Decision and Order finding that Respondent Robb Taylor and Perkins Livestock, LLC, a stockyard posted under and subject to the provisions of the Act owned by Respondent Robb Taylor, had violated sections 307 and 312(a) of the Act (7 U.S.C. §§ 208, 213(a)) and section 201.42 of the regulations (9 C.F.R. § 201.42) by operating with custodial account shortages. *Perkins Livestock, LLC*, Docket No. 13-0134, 2013 WL 2148057 (U.S.D.A. Apr. 24, 2013) (Default Decision).

7. On February 18, 2014, USDA Packers and Stockyards Programs received a fax from Robb Taylor stating, “As of 7-15-2013, Taylor Livestock, LLC, is no longer in operation. The Bond Has Been Terminated.”

8. Respondents, commencing on or about April 15, 2013, and continuing through June 17, 2013, in approximately three (3) transactions, purchased livestock in the amount of approximately one-million dollars (\$1,000,000.00) and issued insufficient funds checks as follows:

	Purchase Date	Seller's Name	Check No.	Check Amount
1	4/15/2013	Blackwell Livestock Auction	1214	79,947.59
2	5/16/2013	Fairview Sale Barn	1251	709,877.20
3	6/17/2013	Blackwell Livestock Auction	1285	217,701.91
			TOTAL =	1,007,526.70

Respondents thus failed to have and maintain sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented.

9. By issuing insufficient funds checks for the purchases referenced in paragraph V of this complaint, Respondents also failed to pay, when due, the full amount of the livestock purchase prices within the time period required by the Act. In these transactions, Respondents' payments were made between approximately thirteen and twenty-three days late.

Conclusions of Law

By reason of the facts alleged in paragraphs 8 through 9, Respondents have willfully violated section 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

ORDER

1. Respondents Robb Taylor and Taylor Livestock, LLC, their agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from purchasing livestock and failing to pay the full amount of the purchase price for livestock before the close of the next business day following each purchase of livestock, as required by section 409 of the Act (7 U.S.C. § 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).
2. Respondents Robb Taylor and Taylor Livestock, LLC are prohibited from being registered and from engaging in any activities for which registration is required under the Act for a period of five (5) years. After the expiration of the five-year period, at such time and thereafter, any application for registration that respondents may file with GIPSA will be processed in accordance with standard GIPSA procedures.
3. In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are assessed, jointly and severally, a civil penalty in the amount of twelve-thousand dollars (\$12,000.00).

Respondents shall send a certified check or money order in the amount of twelve thousand dollars (\$12,000.00), payable to the Treasurer of the United States, to:

USDA – GIPSA
U.S. Bank
P.O. Box 790335
St. Louis, MO 63179-0335

The certified check or money order shall include the docket number of this proceeding.

This Decision and Order shall be final and effective without further proceedings thirty-five (35) days after service unless an appeal to the Judicial Officer is filed with the Hearing Clerk within thirty (30) days after service, pursuant to section 1.145 of the Rules of Practice (7 C.F.R. § 1.145).

Copies of this Decision and Order shall be served by the Hearing Clerk upon each of the parties, with courtesy copies provided via email where available.

Done at Washington, D.C.,
this 11th day of July, 2017


Bobbie J. McCartney
Chief Administrative Law Judge

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