

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P & S Docket No. 15-0047
)
 Randy Deaton,)
 d/b/a Deaton Livestock,)
)
 Respondent) CONSENT DECISION

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, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the respondent willfully violated the Act and the regulations issued thereunder (9 C.F.R. § 201.1 *et seq.*). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The 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, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Randy Deaton, hereinafter referred to as the respondent, is an individual doing business as a business entity, in the state of Kentucky.
2. Respondent at all times material herein, was:

(a) Engaged in the business of buying and selling livestock in commerce as a dealer.

(b) Registered as a dealer with the Secretary of Agriculture.

Conclusions

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

Order

1. Pursuant to 7 U.S.C. § 204, respondent is suspended as a registrant under the Act for a period of five (5) years. However, the suspension shall be held in abeyance for so long as respondent continues to make timely payments to Farmers Livestock Market, Inc., as evidenced in the Letter of Intent. (Attachment). If respondent fails to make timely payments, after notice and opportunity for hearing, respondent's registration shall be suspended.

2. Respondent, his agents and employees, successors and assigns, directly or indirectly through any corporate or other device shall cease and desist from:

(a) Failing to pay for livestock purchases the full amount of the purchase price of such livestock within the time period required by section 409(a) of the Act, (7 U.S.C § 228b and section 201.43 of the regulations (9 C.F.R. § 201.43) ; and

(b) Issuing checks in payment for livestock purchases without having and maintaining sufficient funds on deposit and available in the accounts upon which they are drawn to pay such checks when presented Section 312(a) (7 U.S.C. § 213(a)).

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

Copies of this decision shall be served upon the parties.

By: _____

Randy Deaton, d/b/a Deaton Livestock
Respondent

Date: 4-13-15

Robert L. Vance
Attorney for Respondent

Date: 4/17/15

Tracey Manoff
Attorney for Complainant

Date: 4/20/15

Issued in Washington, D.C.

This 20th day of April, 2015

Administrative Law Judge

JANICE K. BULLARD