

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P. & S. Docket No. D-12-0135  
)  
Claypoole Livestock, Inc., and )  
Timothy J. Claypoole, )  
) **Order Granting Complainant's**  
Respondents ) **Motion to Modify Order**

In *In re Claypoole Livestock, Inc.*, \_\_ Agric. Dec. \_\_\_\_ (June 20, 2012), I concluded that Claypoole Livestock, Inc., and Timothy J. Claypoole violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181-229b) [hereinafter the Packers and Stockyards Act], and the regulations issued under the Packers and Stockyards Act (9 C.F.R. pt. 201) [hereinafter the Regulations]. I issued a cease and desist order and assessed Claypoole Livestock, Inc., and Mr. Claypoole a civil penalty to be paid within 60 days after the Hearing Clerk served them with the June 20, 2012, Decision and Order.

On August 13, 2012, Alan R. Christian, Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture [hereinafter the Deputy Administrator], filed a Motion to Modify Order to Extend Respondents' Time to Pay Civil Penalty in which the Deputy Administrator states

Mr. Claypoole had requested an extension of time within which to pay the assessed civil penalty. The Deputy Administrator states the parties now agree that Claypoole Livestock, Inc., and Mr. Claypoole's time to pay the civil penalty should be extended to November 1, 2012.

Accordingly, I vacate the Order issued in *In re Claypoole Livestock, Inc.*, \_\_ Agric. Dec. \_\_ (June 20, 2012), and substitute the following Order in its place:

### ORDER

1. Claypoole Livestock, Inc., and Timothy J. Claypoole, their agents and employees, directly or indirectly through any corporate or other device, in connection with their operations subject to the Packers and Stockyards Act, shall cease and desist from:
  - a. Engaging in business in any capacity for which bonding is required without filing and maintaining an adequate bond or bond equivalent as required by the Packers and Stockyards Act and the Regulations;
  - b. Purchasing livestock and failing to pay for the livestock purchases within the time period required by the Packers and Stockyards Act; and
  - c. Issuing checks in payment for livestock without having and maintaining sufficient funds on deposit and available in the accounts upon which the checks are drawn to pay the checks when presented.

2. Claypoole Livestock, Inc., and Timothy J. Claypoole are prohibited from engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act without first becoming properly registered.

3. In accordance with 7 U.S.C. § 213(b), Claypoole Livestock, Inc., and Timothy J. Claypoole are jointly and severally assessed an \$11,000 civil penalty. However, the civil penalty in excess of \$2,500 is suspended: *Provided, That* Claypoole Livestock, Inc., and Timothy J. Claypoole fully comply with terms of the cease and desist provisions contained in this Order for a period of 1 year. Payment of the unsuspended amount of \$2,500 shall be made by certified check or money order, made payable to the “Treasurer of the United States,” and sent to:

USDA-GIPSA  
PO Box 790335  
St. Louis, Missouri 63179-0335

Payment of the civil penalty shall be sent to, and received by, USDA-GIPSA on or before November 1, 2012. Timothy J. Claypoole shall state on the certified check or money order that payment is in reference to P. & S. Docket No. D-12-0135.

Done at Washington, DC

August 15, 2012

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William G. Jenson  
Judicial Officer