

GIPSA  
2008-0135  
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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P. & S. Docket No. D-08-0135  
Tom Johnson, )  
aka Thomas L. Johnson, )  
d/b/a Tom Johnson Livestock Co. )  
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.; hereinafter “Act”), by a Complaint and Amended Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (hereinafter “Complainant”), alleging that Respondent willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.; hereinafter “Regulations”). This consent decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138; hereinafter “Rules of Practice”).

Tom Johnson, aka Thomas L. Johnson, d/b/a Tom Johnson Livestock Co., admits the jurisdictional allegations in paragraph 1 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 consent decision.

Complainant agrees to the entry of this consent decision.

### Findings of Fact

1. Tom Johnson, aka Thomas L. Johnson, d/b/a Tom Johnson Livestock Co. (hereinafter "Respondent"), is an individual whose mailing address is in the State of Colorado.
2. Respondent at all times material to the Amended Complaint was:
  - (a) Engaged in the business of a market agency buying livestock in commerce on a commission basis; and
  - (b) Registered with the Secretary of Agriculture as a market agency<sup>1</sup> to buy livestock in commerce on a commission basis and as a dealer to buy livestock in commerce for his own account.

### Conclusion

Respondent 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 Tom Johnson, aka Thomas L. Johnson, d/b/a Tom Johnson Livestock Co., his agents and employees, directly or through any corporate or other device, in connection with Respondent's operations subject to the Act, shall cease and desist from engaging in business in any capacity for which bonding is required under the Act and the Regulations, without filing and maintaining an adequate bond or its equivalent, as required by the Act and the Regulations.

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of Nine Thousand Dollars (\$9,000.00) to be paid in accordance with the provisions of the Understanding with Respect to Civil Penalty entered into by the parties.

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<sup>1</sup> After Packers and Stockyards representatives visited Respondent's place of business on November 20, 2006, Respondent filed an application for registration as a market agency buying on commission under the business name of Thomas L. Johnson, d/b/a Tom Johnson Livestock Co.

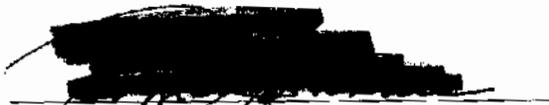
This order shall have the same force and effect as if entered after full hearing. The provisions of this order shall become final and effective upon issuance.

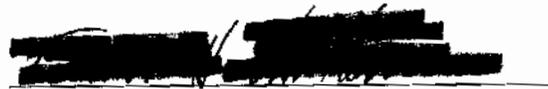
Copies of this consent decision and order shall be served upon the parties.

Issued in Washington, D.C.

this 25th day of February, 2009

  
Administrative Law Judge

  
Tom Johnson  
Respondent

  
Ernest H. Van Hooser  
Attorney for Respondent

  
Leah C. Battaglioli  
Attorney for Complainant