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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P & S Docket No. D-11-0413
)	
David Ballou)	
)	
)	
Respondent)	Decision Without Hearing
)	By Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (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 promulgated thereunder (9 C.F.R. § 201.1 et seq.) (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) (Rules of Practice).

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 consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

1. David Ballou (Respondent) is an individual. Respondent's mailing address is a home address, and will not be stated in this Decision to protect his privacy, but will be provided to the

Hearing Clerk's Office, United States Department of Agriculture, for the purposes of service of this Decision.

2. The Respondent at all times material herein was:
 - a. Engaged in the business of buying livestock in commerce on a commission basis; and
 - b. Not registered with the Secretary of Agriculture.

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 David Ballou, 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 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.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is further assessed a civil penalty in the amount of Six Thousand Five Hundred Dollars (\$6,500.00).

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

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

Done at Washington, D.C.

this 10th day of November, 2011


Administrative Law Judge


David Balfou
Respondent


Ciarra A. Toomey
Attorney for Complainant