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UNITED STATES DEPARTMENT OF AGRICULTURE 12 SEP -6 PM 12:03

BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P. & S. Docket No. 12-0578
)	
Jeffery D. Smith,)	
a/k/a Jeff Smith,)	
)	
Dale T. Smith and Sons Packing)	
Company, Inc.)	
)	
Webb Livestock, Inc.,)	
)	
Jay Webb,)	
)	
Wayne Bradshaw,)	Consent Decision and Order as to
)	Respondent Wayne Bradshaw
Respondents)	

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), 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 respondents willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). This decision is entered pursuant to the consent decision provision of the rules of practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent Wayne Bradshaw admits the jurisdictional allegations in paragraph I of the Complaint and Notice of Hearing 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

Respondent Wayne Bradshaw is an individual whose mailing address is 53150 100 East HC74, Box 5112, Adamsville, Utah, 84731. Wayne Bradshaw at all times material herein was:

- (1) Engaged in the business of a dealer buying and selling livestock in commerce for his own account and the account of others;
- (2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

Conclusions

Respondent Wayne Bradshaw having admitted the jurisdictional facts, and Complainant and Respondent Wayne Bradshaw having agreed to the entry of this decision, such decision will be entered.

Order

Respondent Wayne Bradshaw, his agents and employees, successors and assigns, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from:

- (1) In person or through employed buyers, failing to conduct his livestock buying operations in competition with, and independently of, other packers and dealers similarly engaged; and
- (2) In person or through employed buyers, for the purpose of restricting or limiting competition, manipulating livestock prices, or controlling the movement of livestock, prior to, or during the conduct of, his buying operations, furnishing competitor packers, dealers, market agencies, or their buyers or representatives, similarly engaged in buying livestock, with information concerning his proposed buying operations, such as the species, classes, volume of livestock to be purchased, or prices to be paid, and any other buying information to competitor buyers.

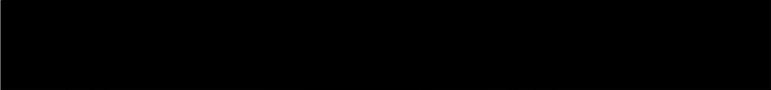
In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent Wayne Bradshaw is assessed a civil penalty in the amount of Nine Thousand Dollars (\$9,000.00).

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 on the sixth day after service of this Consent decision and Order on respondent.

Copies of this decision shall be served upon the parties.


Wayne Bradshaw
Respondent


Aaron D. Randall
Hughes, Thompson, Randall & Mellen, PC.
Counsel for Respondent


Krishna G. Ramaraju
Attorney for Complainant

Done at Washington, D.C.

this _____ day of _____, 2012

Peter M. Davenport
Chief Administrative Law Judge