

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	
)	P&S Docket No. 12-0019
)	
Richard Hayes,)	
)	
Respondent)	Consent Decision and Order

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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 respondent Richard Hayes 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).

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. Respondent Richard Hayes is an individual with a mailing address of 11600 Brock Highway, Lipan, Texas 76462-6327.

2. Respondent was, at all times material herein, engaged in the business of an individually registered livestock dealer who buys and sells livestock in commerce for his own account.

Conclusions

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

Order

Respondent Richard Hayes, his agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from failing to pay livestock dealers or their duly authorized representatives the full amount of the purchase price for livestock before the close of the next business day following each purchase of livestock, as required by sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b).

Respondent shall maintain sufficient funds on deposit and available in the account upon which payment checks are drawn to pay such checks when presented, as required section 312(a) of the Act (7 U.S.C. §§ 213(a)).

The respondent shall keep any and all accounts, records, and memoranda that fully and accurately disclosed all transactions involved in its business, as required by section 401 of the Act (7 U.S.C. § 221).

Pursuant to 7 U.S.C. § 204, the respondent, operating under the name Richard Hayes and under any and all aliases, is suspended as a registrant under the Act/prohibited from registering under the Act for a period of five (5) years.

The provisions of this order shall become effective on the sixth day after service of this consent decision and order on the respondent.

Copies of this decision shall be served upon the parties.

[Redacted]

Richard Hayes
Respondent

[Redacted]

Michael J. Rogers
Attorney for Respondent

[Redacted]

Thomas N. Bolick
Attorney for Complainant

Done at Washington, D.C.

this ^{17th} day of January, 2011-2012

[Redacted]

Administrative Law Judge