

USDA  
OALJ/OHC  
2010 OCT -7 AM 8:20  
RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P & S Docket No. D-10-0052  
Sam D. Holder, aka Bill Holder, )  
and Mark K. Holder, d/b/a )  
Trousdale County Livestock Market )  
)  
)  
)  
Respondents ) 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 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 Sam D. Holder, aka Bill Holder, and Mark K. Holder, d/b/a Trousdale County Livestock (hereinafter “Respondents”) 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 Statues (7 C.F.R. § 1.138; hereinafter “Rules of Practice”).

Respondents admit the jurisdictional allegations in paragraph I of the Complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, 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. Respondents Sam D. Holder, aka Bill Holder, and Mark K. Holder, are individuals d/b/a Trousdale County Livestock Market, a partnership, whose business mailing address is P.O. Box 49, Hartsville, Tennessee 37074.

2. At all times material to the Complaint, Respondents were:

(a) Engaged in the business of a market agency buying and selling livestock in commerce on a commission basis; and

(b) Registered with the Secretary of Agriculture as a market agency to buy and sell livestock in commerce on a commission basis.

### 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

Respondents Sam D. Holder, aka Bill Holder, and Mark K. Holder, d/b/a Trousdale County Livestock Market, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from:

1. Failing to deposit in their Custodial Account for Shippers' Proceeds, within the time periods prescribed by section 201.42(c) of the Regulations (9 C.F.R. § 201.42(c)), amounts equal to the proceeds receivable from the sale of consigned livestock; and

2. Failing to otherwise properly maintain their Custodial Account for Shippers' Proceeds in strict conformity with the Act and section 201.42 of the Regulations (9 C.F.R. § 201.42).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are

assessed, jointly and severally, a civil penalty in the amount of Five Thousand Dollars (\$5,000.00) to be paid in accordance with the provisions of the Understanding with Respect to Civil Penalty entered into by the parties.

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 (6th) day after service on Respondent.

Copies of this Consent Decision and Order shall be served upon the parties.

Issued in Washington, D.C.

this 6<sup>th</sup> day of October, 2010



Victor W. Palmer  
Administrative Law Judge



Sam D. Holder  
Respondent



Mark K. Holder  
Respondent



Gerard D. Eftink  
Attorney for Respondent



Leah C. Battaglioli  
Attorney for Complainant