

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 12-0027

In re: Ryan Sanders,

Respondent

Default Decision and Order

Preliminary Statement

This is a disciplinary proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.), herein referred to as the Act, instituted by a Complaint filed on October 13, 2011 by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Ryan Sanders, herein referred to as Respondent, willfully violated the Act.

The Complaint and a copy of the Rules of Practice were served upon Respondent on December 1, 2011 pursuant to section 1.147 of the Rules of Practice. Respondent was informed in the letter of service that an Answer should be filed pursuant to the Rules of Practice and that failure to answer would constitute an admission of all the material allegations contained in the Complaint.

Respondent failed to file an Answer within the time period prescribed by the Rules of Practice (7 C.F.R. § 1.136), and the following Findings of Fact, Conclusions of Law and Order will be entered pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Respondent Ryan Sanders is an individual residing in Illinois.
2. Respondent, at all times material herein, was:
 - (a) Engaged in the business of buying and selling livestock in commerce on a commission basis with the Secretary of Agriculture; and
 - (b) Not registered, as required, with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.
3. On or about the dates and in the transactions set forth in Appendix A, Respondent engaged in the business of a dealer without maintaining an adequate bond or bond equivalent.
4. On or about the dates and in the transactions set forth below, Respondent:
 - (a) purchased livestock and failed to pay the full purchase price of such livestock; and
 - (b) issued checks in partial payment for livestock purchases which were returned by the bank upon which they were drawn; these checks were returned because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which the checks were drawn to pay such checks when presented. The checks, totaling \$80,631.13, remain unpaid as of the date of the issuance of the Complaint.

Seller's Name	Check Payment Date	Check Number	Payment Amount	Date Check Returned
Michael Taylor	12/14/2009	271	\$14,213.84	12/23/2009
Michael Taylor	12/19/2009	274	\$15,235.00	1/4/2010

Arthur Sale Barn	1/20/2010	251	\$3,021.35	1/29/2010
Michael Taylor	1/15/2010	306	\$18,670.62	1/27/2010
Michael Taylor	1/30/3020	501	\$12,900.65	2/8/2010
Michael Taylor	2/10/2010	510	\$7,000.00	2/19/2010
Michael Taylor	2/10/2010	511	\$9,589.67	2/19/2010

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Respondent willfully violated 7 U.S.C. § 204 and section 201.29 of the regulations (9 C.F.R. § 201.29); and section 409 of the Act (7 U.S.C. §228b).

Order

1. Respondent, his agents and employees, directly or through any corporate or other device, in connection with activities subject to the Act, shall cease and desist from:
 - a) engaging in operations subject to the Act without maintaining an adequate bond or bond equivalent as required by 7 U.S.C. § 204 and section 201.29 of the regulations (9 C.F.R. § 201.29);
 - b) failing to pay, when due, the full purchase of livestock as required by section 409 of the Act (7 U.S.C. §228b); and
 - c) issuing checks in payment for livestock purchases with insufficient funds in violation of section 409 of the Act (7 U.S.C. §228b).
2. In accordance with section 312(b) of the Act (7 U.S.C. 213(b)), Respondent is assessed a civil penalty of \$7,000.00.

3. Respondent is barred from registering under the Packers and Stockyards Act for a period of two years from the date of entry of this Decision.

4. This Decision shall become final and effective without further proceedings 35 days after the date of service upon Respondent, unless it is appealed to the Judicial Officer by a party to the proceeding within 30 days pursuant to section 1.145 of the Rules of Practice (7 C.F.R § 1.145).

Copies of this Decision shall be served upon the parties.

March 13, 2012

Peter M. Davenport
Chief Administrative Law Judge