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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P. & S. Docket No. D-13-0009
)	
Curtis Malone,)	
)	
Respondent.)	Consent Decision and Order
)	

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 respondent Curtis Malone 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) Curtis Malone, referred to herein as the respondent, is an individual whose home mailing address is in the State of Texas.

2) The respondent is, and at all times material herein was engaged in the business as a market agency buying livestock in commerce on a commission basis.

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

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), the respondent is hereby assessed a civil penalty in the amount of one thousand dollars (\$1000.00), which shall be held in abeyance for a term of one (1) year, provided that the respondent maintains the necessary bond requirement for a market agency buying livestock in commerce on a commission basis. After the one (1) year term that such penalty amount is held in abeyance, if the respondent has maintained compliance with the necessary bond requirement and remains in compliance with the necessary bond requirement, than the total penalty amount shall be reduced to zero dollars (\$0.00).

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 signature]

Curtis Malone
Respondent

[Redacted signature]

Margaret Burns Rath
Attorney for the Complainant

Done at Washington, D.C.

this _____ day of 11-19-12 2012

[Redacted signature]

Peter M. Davenport
Chief Administrative Law Judge