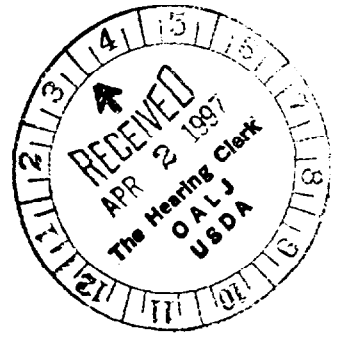


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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P & S Docket No. D-96-14
)	
Robert W. Campbell and)	
Gaines Hughes d/b/a)	
Campbell & Hughes)	
)	Consent Decision with respect
Respondents)	to Robert W. Campbell

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 Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that respondent Robert W. Campbell willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent Robert W. Campbell 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. Robert W. Campbell, hereinafter referred to as respondent, is an individual whose business mailing address is P. O. Box 661, Mount Vernon, Texas 75457.

2. Respondent is and, at all times material herein, was:

- a. Engaged in the business of a dealer buying and selling livestock in commerce for his own account or the account of others; and
- b. Registered with Gaines Hughes as a partnership, Campbell & Hughes, with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

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 Robert W. Campbell, his agents and employees, directly or through any corporate device, in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented;
2. Failing to pay, when due, the full purchase price of livestock; and
3. Failing to pay the full purchase price of livestock.

Respondent is suspended as a registrant under the Act for a period of five (5) years.

Provided, however, that upon application to Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, a supplemental order may be issued terminating the suspension of respondent at any time after the expiration of the initial 180 days of this suspension term upon demonstration by respondent that all livestock sellers identified in

the complaint in this proceeding have been paid in full. Provided further, that this order may be modified upon application to the Packers and Stockyards Programs, GIPSA to permit the salaried employment of respondent by another registrant or packer after the expiration of the initial 180 days of this suspension term and upon demonstration of circumstances warranting modification of the order.

The employment prohibition period during which respondent is prohibited from being employed as a salaried employee of a registrant or packer and which lasts for the initial 180 days of the suspension period and thereafter until the order is modified by GIPSA is hereby held in abeyance for the duration of the five-year period of suspension contingent upon respondent's satisfaction of the following conditions:

(1) If respondent chooses to work as a salaried employee of another registrant or packer, respondent must submit a letter from his employer to GIPSA stating (a) that respondent is working as its employee on a salary basis; (b) that respondent will be buying and selling livestock only for the account of the employer; and (c) that respondent will not be buying and selling livestock for anyone else;

(2) If respondent chooses to change employment with registrants or packers during the suspension period, he must seek and receive the permission of GIPSA and must submit a letter from the new employer to GIPSA containing the same information set forth above before doing so; and

(3) Respondent must continue to make payments pursuant to the plans of restitution submitted to GIPSA by respondent on March 7, 1997.

If respondent fails to comply with the aforementioned conditions or with the requirements of the Act at any time within the five-year suspension period, the abeyance provision shall be null and void and the employment prohibition as to all employment shall be automatically reinstated against respondent for the full 180-day period on order of the Administrative Law Judge without further procedure, beginning on the date of the Administrative Law Judge's order.

Respondent further agrees that the oral hearing scheduled to take place on April 16, 1997 shall not be canceled until complainant's counsel has received a signed copy of the consent decision. If the consent decision is not received by complainant's counsel by 5:00 p.m. on Wednesday, April 2, 1997, the proposed settlement offer is withdrawn and the hearing will take place as scheduled.

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

Robert W. Campbell
ROBERT W. CAMPBELL
Respondent

Timothy A. Morris
TIMOTHY A. MORRIS
Attorney for Complainant

Issued this 2nd day of April, 1997

Edwin S. Bernstein

Chief Administrative Law Judge
for:
EDWIN S. BERNSTEIN
Administrative Law Judge