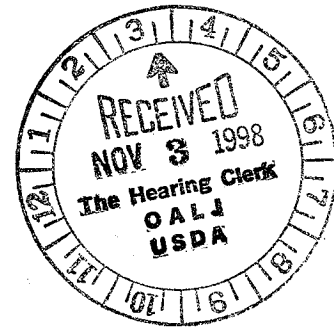


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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)
)
Tommy W. Welch and Rhoda) P&S Dkt. No. D-98-0017
V. Welch, a/k/a Vickie Welch,)
)
Respondents)

Decision Without Hearing by Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §181 *et seq.*), hereinafter the P&S Act, 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 the financial condition of Respondents does not meet the requirements of the P&S Act and that Respondent Tommy Welch and Respondent Partnership have wilfully violated the P&S Act and the regulations promulgated thereunder (9 C.F.R. §201.1 *et seq.*). 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).

Respondents admit the jurisdictional allegations in section 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 that purpose only, to the entry of this decision.

Findings of Fact

1. Tommy W. Welch, herein referred to as Respondent Tommy Welch, is an individual with a business mailing address of P.O. Box 310, Sophia, North Carolina 27350.
2. Rhoda V. Welch, also known as Vickie Welch, herein referred to as Respondent Vickie Welch, is an individual with a business mailing address of P.O. Box 310, Sophia, North Carolina 27350.
3. At all times material herein, Respondents Tommy and Vickie Welch were:
 - a. Engaged in the business of dealers buying and selling livestock in commerce and as a market agency buying livestock in commerce on a commission basis; and
 - b. Registered with the Secretary of Agriculture as partners, doing business as Tommy W. Welch and Vickie W. Welch, herein referred to as Respondent Partnership, as dealers to buy and sell livestock in commerce and as market agencies to buy livestock in commerce on a commission basis.
4. At all times material herein, Respondent Tommy Welch, either as an individual or for Respondent Partnership was:
 - a. Operating subject to the P&S Act, doing business under the trade name Tommy Welch Livestock; and
 - b. Not registered with the Secretary of Agriculture to do business under the trade name Tommy Welch Livestock.

Conclusions

Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, this decision is entered.

Order

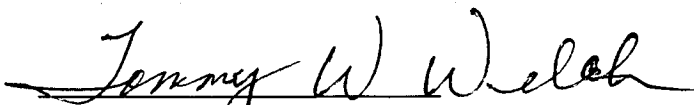
Respondents Tommy Welch and Vickie Welch, their officers, directors, agents and employees, successors and assigns, directly or through any corporate device in connection with their activities subject to the P&S Act, shall cease and desist from:

1. Failing to meet the financial requirements of the P&S Act (7 U.S.C. §204);
2. Operating while their current liabilities exceed their current assets;
3. Issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which the checks are drawn to pay the checks when presented; and
4. Failing to pay, when due, the full purchase price for livestock purchases.

Respondents Tommy Welch and Vickie Welch both individually and as Respondent Partnership are suspended as registrants under the P&S Act for a period of forty-five (45) days and thereafter until it is demonstrated that their current liabilities do not exceed their current assets.

This order shall become effective on December 1, 1998.

Copies of this decision shall be served upon the parties.



Tommy W. Welch
Respondent

Rhoda V. Welch

Rhoda V. Welch
Respondent

Andre Allen Vitale

Andre Allen Vitale
Attorney for Complainant

Issued this 3rd day of November, 1998

James W. Hunt

JAMES W. HUNT
Administrative Law Judge