

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) P & S Docket No. D-00-0002  
)  
Danny L. Johnson, )  
)  
Respondent ) Consent Decision

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This proceeding was instituted under the Packers and Stockyard Act (7 U.S.C. §181 et. seq.) by a complaint filed by the Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondent 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).

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) Danny L. Johnson (hereinafter referred to as Respondent) is an individual whose business mailing address is P.O. Box 806, Glasgow, Kentucky 42141.
- (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; and

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.

(3) On February 4, 1991, a cease and desist order issued in P & S Docket No. D-89-97 became effective against Respondent Danny L. Johnson, Chase & Johnson Livestock Inc., and William Chase (Respondents). Respondents were ordered to cease and desist from engaging in business subject to the Act while their current liabilities exceed their current assets and failing to pay when due the full purchase price of livestock. Respondents also were jointly and severally assessed a civil penalty of ten thousand dollars (\$10,000.00). The civil penalty was paid on October 13, 1992.

#### Conclusion

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

#### Order


Respondent Danny L. Johnson, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

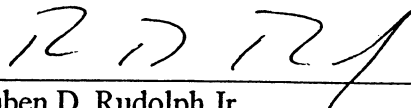
Respondent Danny L. Johnson is suspended as a registrant under the Act for a period of twenty-one days (21).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of \$2,000.00.

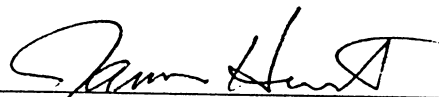
The provisions of this order shall become effective on the first day after service of this order on the Respondent.

Copies of this decision shall be served upon the parties.

  
\_\_\_\_\_  
Danny L. Johnson  
Respondent

  
\_\_\_\_\_  
Ruben D. Rudolph Jr.  
Attorney for Complainant

Issued this 20th day of November 2000

  
\_\_\_\_\_  
Administrative Law Judge