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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-03-0018
)
Richard Armstrong, d/b/a)
Richard Armstrong Cattle Co.,)
)
Respondent) Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), hereinafter the "Act", by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondent has willfully violated the Act and the Regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.), hereinafter the "Regulations". This decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceeding Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

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. Richard Armstrong, doing business as Richard Armstrong Cattle Co., hereinafter the "Respondent", is an individual whose business mailing address is 1043 County Road 191, Blue Spring, Mississippi 38828.

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

- (a) Engaged in business as a market agency, buying on commission; and
- (b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account; and a market agency buying on commission.

Conclusions

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

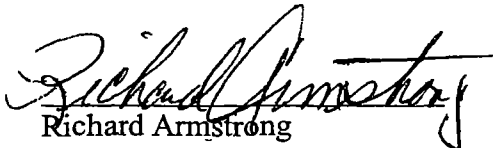
Order

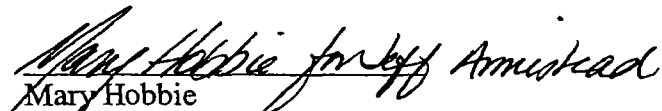
Respondent, his agents and employees, successors and assigns, directly or indirectly through any corporate or other device, in connection with his operations subject to the Packers and Stockyards Act, shall cease and desist from engaging in business in any capacity for which bonding is required under the Act and the Regulations, without filing and maintaining an adequate bond or its equivalent, as required by the Act and the Regulations.

In accordance with Section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is hereby assessed a civil penalty in the amount of seven hundred fifty dollars (\$750.00).

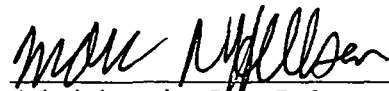
This order shall have the same force and effect as if entered after full hearing and shall become effective on the sixth (6th) day after service of this order on the Respondent.

Copies of this decision shall be served upon the parties.


Richard Armstrong
Respondent


Mary Hobbie
Attorney for Complainant

Issued this 12th day of January, 2005


Administrative Law Judge