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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D-04-0012
Bobby L. Brotherton, d/b/a)
B&B Cattle Company,)
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 (GIPSA), United States Department of Agriculture, alleging that the Respondent wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (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.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Bobby L. Brotherton, hereinafter referred to as "Respondent", is an individual doing business as B&B Cattle Company, whose business address is P. O. Box 1850, Palestine, Texas 75802-1850.

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.

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

Conclusions

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

Order

Respondent Bobby L. Brotherton, directly or through any corporate or other device, in connection with his operations as a dealer, buying and selling livestock in commerce for his own account, shall cease and desist from:

- (1) failing to pay the full purchase price of livestock.
- (2) failing to pay, within the time period required by the Act, the full purchase price of livestock.

Respondent shall maintain accounts, records, and memoranda that fully and correctly disclose his transactions subject to the Act, including dated and detailed load make up sheets, sales invoices, and other records required to trace livestock from purchase to resale.

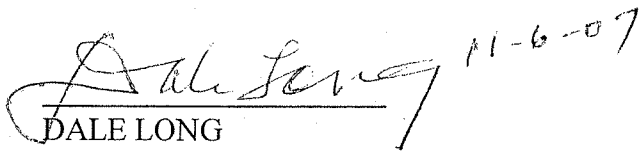
Respondent Bobby L. Brotherton is hereby suspended as a registrant under the Act for a period of five (5) years. Provided, however, that upon application to the Packers and Stockyards Program a supplemental order terminating the suspension may be issued at any time after the expiration of 225 days upon demonstration by Respondent that all unpaid livestock sellers identified in the Complaint have been paid in full and that Respondent has obtained a reasonable bond or approved bond equivalent; and provided further that this order may be modified upon


application to the Packers and Stockyards Program to permit the salaried employment of Respondent by another registrant or packer after the expiration of the initial 225 days and upon demonstration of circumstances warranting modification of the order.

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


Copies of this decision shall be served upon the parties.


BOBBY L. BROTHERTON
Respondent


DALE LONG
Attorney for Respondent


ERIC PAUL
Attorney for Complainant

Issued this 14th day of November, 2007


VICTOR PALMER
Administrative Law Judge

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