

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-05-0017
)
John M. Gibbs d/b/a John M. Gibbs)
Livestock,)
) Decision Without Hearing by Reason of
Respondent) Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (hereinafter referred to as the “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 Respondent willfully violated the Act and the regulations promulgated thereunder. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings 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.

Complainant agrees to the entry of this decision.

Findings of Fact

1. John M. Gibbs d/b/a John M. Gibbs Livestock, is an individual whose business mailing address is P.O. Box 182, Altoona, Alabama 35952.
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, and a market agency, to buy livestock on a commission basis.

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 John M. Gibbs d/b/a John M. Gibbs Livestock, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from failing to pay the full amount of the purchase price for livestock within the time period required by the Act.

Respondent shall keep such accounts, records and memoranda which fully and correctly disclose all transactions conducted subject to the Act, including, but not limited to, load make-up records containing the description and weight of the livestock, records of inventory, and sales invoices containing the description of the livestock and the number of head shipped.

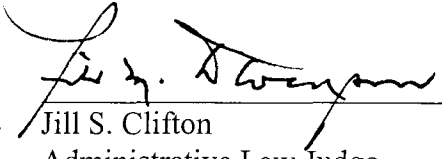
Respondent is suspended as a registrant under the Act for a period of 28 days.

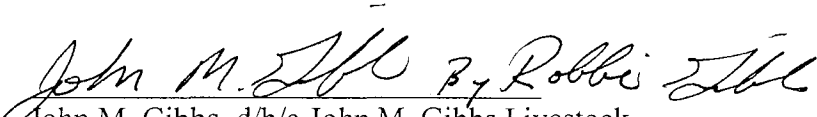
The provisions of this order shall become effective on the sixth day after service of this order on Respondent.

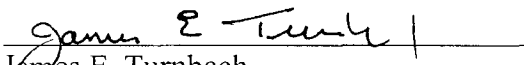
Copies of this decision shall be served upon the parties.

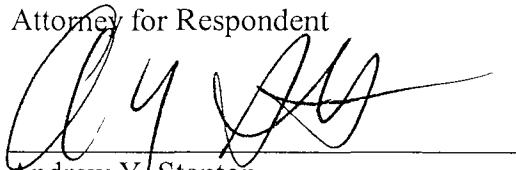
Issued this 16th day of

February, 2006.


for Jill S. Clifton
Administrative Law Judge


John M. Gibbs, d/b/a John M. Gibbs Livestock POA
Respondents


James E. Turnbach
Attorney for Respondent


Andrew Y. Stanton
Attorney for Complainant