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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P & S Docket No. D-12-0084
	)	
Hardee County Livestock Market Corp., and Janice P. Wheeler	)	
	)	
Respondents	)	Decision Without Hearing By Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (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 Respondents willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.) (Regulations). This consent decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statues (7 C.F.R. § 1.138).

The Respondents admit the jurisdictional allegations in paragraph 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 such purpose only, to the entry of this consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

1. Hardee County Livestock Market Corp. (Respondent Hardee) is a corporation organized and existing under the laws of the State of Florida. Its current mailing address is P.O.

Box 1479, Wauchula, FL 33873.

2. At all times material to the Complaint, Respondent Hardee was:

(a) Engaged in the business of a market agency selling livestock in commerce on a commission basis; and

(b) Registered with the Secretary of Agriculture as a market agency to sell livestock in commerce on a commission basis.

3. Janice P. Wheeler (Respondent Wheeler) is an individual whose current mailing address is P.O. Box 1479, Wauchula, FL 33873.

4. At all times material to the Complaint, Respondent Wheeler was:

(a) President of Respondent Hardee;

(b) Fifty percent owner of Respondent Hardee;

(c) Registered agent of Respondent Hardee;

(d) General manager of Respondent Hardee; and

(d) Responsible for the direction, management, and control of Respondent Hardee.

5. Respondent Hardee is the alter ego of Respondent Wheeler.

Conclusion

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

Order

Respondent Hardee County Livestock Market Corp., and Respondent Janice P. Wheeler, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the 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.

Pursuant to 7 U.S.C. § 204, Respondent Hardee, and Respondent Wheeler due to Respondent Hardee being her alter ego, are suspended as registrants under the Act for a period of two years. After this two year time period has expired, if Respondents desire to operate subject to the Act and the Regulations, Respondents will be required to file a new application for registration and an adequate bond or bond equivalent with the Eastern Regional Office of the Packers and Stockyards Program.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are further assessed, jointly and severally, a civil penalty in the amount of Twelve Thousand Five Hundred Dollars ($12,500.00), to be paid in accordance with the provisions of the Understanding With Respect to Civil Penalty entered into by the parties.

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

Copies of this decision and order shall be served upon the parties.

Done at Washington, D.C.

this 22nd day of February, 2012

[redacted]

Administrative Law Judge

Hardee County Livestock Market Corp.,
Respondent,

By: [redacted]

Title: _____

[redacted]

Janice P. Wheeler
Respondent

[redacted]

David Carmichael
Attorney for Respondents

[redacted]

Leah C. Battaglioli
Attorney for Complainant