

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)	P & S Docket No. 13-0227
)	
Bryan Spivey,)	
)	
Respondent)	Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), 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 respondent Bryan Spivey willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). This decision is entered pursuant to the consent decision provision 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

(a) Bryan Spivey, hereinafter referred to as the respondent, is an individual. The respondent's mailing address will not be stated here to protect the privacy of Mr. Spivey, but has been provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purposes of service.

(b) Respondent is, and at all times material herein was:

- (1) Engaged in the business of a packer buyer; and
- (2) Registered with the Secretary of Agriculture as a packer buyer; and
- (3) Engaged in the business of a dealer buying and selling livestock in commerce; and
- (4) Not registered or bonded with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

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 Bryan Spivey, his agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from:

1. Engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act and regulations promulgated thereunder without filing and maintaining an adequate bond or its equivalent;
2. Engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act and the regulations promulgated thereunder without first becoming properly registered under the Act as required by section 201.10(a) of the regulations (9 C.F.R. § 201.10(a));
3. Purchasing livestock and failing to pay the full amount of the purchase price for livestock before the close of the next business day following each purchase of

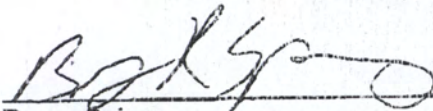
livestock, as required by section 409 of the Act (7 U.S.C. § 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

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

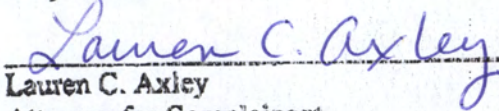
Respondent shall make payments according to the provisions outlined in the Understanding Regarding Civil Penalty terms entered into by the parties.

This Order shall have the same force and effect as if entered after full hearing. The provisions of this order shall become effective on the sixth day after service of this consent decision and order on the respondent.

Copies of this decision shall be served upon the parties.



Bryan Spivey
Respondent



Lauren C. Axley
Attorney for Complainant

Done at Washington, D.C.

this 23rd day of December, 2013


Administrative Law Judge