

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 13-0331



In re: Calvin Plummer,  
Respondent

**Default Decision and Order**

**Preliminary Statement**

This disciplinary proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), by a complaint filed on August 27, 2013, by Susan B. Keith, the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Respondent Calvin Plummer (hereinafter, Respondent) willfully violated the Act and the Regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*).

The Complaint and a copy of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary under Various Statutes (7 C.F.R. § 1.130) (Rules of Practice) were sent to Respondent by certified mail on August 27, 2013; however, the mailing was returned by the United States Postal Service indicating "No Mail Receptacle Unable to Forward." Upon receipt of a new address, Respondent was served by certified mail on March 13, 2014. Respondent was informed in the Complaint and the accompanying letter of service that an Answer should be filed pursuant to the Rules of Practice and that failure to answer would constitute an admission of all the material allegations contained in the complaint and a waiver of hearing.

As Respondent failed to file an answer, the following Findings of Fact, Conclusions of Law and Order will be entered pursuant to section 1.139 of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.139).

**Findings of Fact**

1. Respondent Calvin Plummer is an individual residing in the State of Oklahoma.
2. Respondent is, and at all times material herein was:
  - (a) Engaged in business as a dealer buying and selling livestock in commerce for his own account; and
  - (b) Not registered with the Secretary of Agriculture as a dealer, as required, with the Secretary of Agriculture to buy livestock in commerce for his own account.
4. During the period from January 4, 2011 through July 20, 2011, Respondent engaged in business as a dealer without maintaining an adequate bond or bond equivalent.
5. During the period from November 9, 2010 through November 30, 2010, Respondent failed to pay the full purchase price for livestock and owes livestock sellers approximately \$30,000.00 for such purchases.
6. During the period from November 9, 2010 through November 30, 2010, Respondent issued checks in payment of livestock purchases which checks were returned unpaid by the bank upon which they were drawn because Respondent did not have and maintain sufficient funds on deposit and available in the accounts to pay the checks when presented.

**Conclusions of Law**

1. The Secretary has jurisdiction in this matter.

2. Respondent Calvin Plummer willfully violated sections 204, 213(a), 228b, 312(a), and 409 of the Act (7 U.S.C. §§ 204, 213(a), 228b(a), 312(a) and 409 and sections 201.29 of the Regulations (9 C.F.R. §§ 201.10(a), 201.29, 201.30, and 201.43).

**Order**

1. Respondent, Calvin Plummer, 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:

(a) Engaging in operations subject to the Act without maintaining an adequate bond or a bond equivalent.

(b) Engaging in business in any capacity for which bonding is required under the Act and regulations promulgated thereunder without first becoming properly registered under the Act.

(c) Failing to pay, when due, the full purchase prices for livestock purchases when acting as a dealer.

(d) Failing to maintain sufficient funds on deposit and available in the account upon which checks for livestock purchases are drawn.

2. Respondent is assessed a civil penalty in the amount of Fifty-Eight Thousand Dollars (\$58,000.00). Respondent shall send a certified check or money order for Fifty-Eight Thousand Dollars (\$58,000.00), payable to the Treasurer of the United States to:

United States Department of Agriculture  
1400 Independence Avenue, SW  
ATTN: Thomas Bolick  
Room 2330 A, South Building  
Washington, DC 20250-1400

The check or money order should indicate that payment is in reference to Docket No. 13-0331 and should be sent by Federal Express, United Postal Service, or by any other delivery service where delivery of the item is acknowledged

3. This decision shall become final and effective without further proceedings 35 days after the date of service upon respondent, unless it is appealed to the Judicial Officer by a party to the proceeding within 30 days pursuant to Section 1.145 of the rules of practice (7 C.F.R § 1.145).

Copies of this Decision and Order shall be served upon the parties.

June 5, 2014

*Peter M. Davenport*

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**Peter M. Davenport**  
Chief Administrative Law Judge