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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:	
Bennett Cattle Company, LLC; and Brent E. Bennett, Respondents.	P&S-D Docket No. 25-J-0094 P&S-D Docket No. 25-J-0095

DECISION AND ORDER WITHOUT HEARING BY REASON OF DEFAULT

Appearance:

Buren W. Kidd, Esq., Office of the General Counsel, United States Department of Agriculture, Washington, DC, for the Complainant, the Acting Deputy Administrator, Packers and Stockyards Program, Agricultural Marketing Service ("AMS")

This is a disciplinary proceeding brought under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181 *et seq*.) ("Act"); the regulations promulgated thereunder (9 C.F.R. §§ 201.1 *et seq*.) ("Regulations"); and the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130 through 1.151) ("Rules of Practice"). The matter initiated with a complaint filed on September 17, 2025, by the Acting Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service, United States Department of Agriculture ("Complainant"), alleging that Bennett Cattle Company, LLC, and Brent E. Bennett ("Respondents") violated the Act and the Regulations.

Respondents were duly served with a copy of the Complaint and did not file an answer within the 20-day period as prescribed by section 1.136 of the Rules of Practice (7 C.F.R. § 1.136), nor have Respondents filed such an answer since that deadline.[1]

[1] United States Postal Service records reflect the Complaint was sent to Respondents via certified mail and reported as "picked up at post office" on September 24, 2025. Respondents had 20 days from the date of service to file a response. 7 C.F.R. § 1.136(a). Weekends and federal holidays shall be included in the count; however, if the due date falls on a Saturday, Sunday, or federal

On February 5, 2026, Complainant filed a motion for a decision without hearing by reason of default ("Motion for Default") pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139). Regarding sanctions, Complainant now requests an order requiring Respondents to cease and desist from violating the Act (7 U.S.C. § 213(b)) and suspending Respondents' registration for a period of five years. Respondents have not filed any objections to Complainant's Motion.[2]

Failure to file a timely answer or failure to deny or otherwise respond to allegations in the Complaint shall be deemed, for purposes of this proceeding, an admission of the allegations in the Complaint, unless the parties have agreed to a consent decision.[3] Other than a consent decision, the Rules of Practice do not provide for exceptions to the regulatory consequences of failing to file an answer where, as in the present case, no meritorious objections have been filed.[4]

Accordingly, this Decision and Order is entered against Respondents pursuant to section 1.139 (7 C.F.R. § 1.139) of the Rules of Practice.

Sanctions

As previously stated, Complainant seeks an order directing Respondents to cease and

holiday, the last day for timely filing shall be the following workday. 7 C.F.R. § 1.147(h). In this case, Respondents' answer was due on or before October 14, 2025. Respondents have not filed an answer.

[2] United States Postal Service records reflect the Motion for Default was sent to Respondents via certified mail and returned to the Hearing Clerk's Office as "unclaimed." In accordance with the Rules of Practice, the Hearing Clerk re-mailed (*see* 7 C.F.R. § 1.132) the Complaint to the same address by ordinary mail on April 28, 2026. 7 C.F.R. § 1.147(c)(1). Respondents had 20 days from the date of service to file a response. 7 C.F.R. § 1.136(a). Weekends and federal holidays shall be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following workday. 7 C.F.R. § 1.147(h). In this case, Respondent's answer was due on or before May 18, 2026. Respondents have not filed any objections.

[3] 7 C.F.R. § 1.136(c).

[4] *See supra* note 2 and accompanying text.

desist from violating the Act and suspending Respondents as a registrant under the Act for a period of five years.[5] The Act provides for both of these sanctions: 7 U.S.C. § 193(b) authorizes the Secretary to issue cease-and-desist orders,[6] and 7 U.S.C. § 204 authorizes the Secretary to suspend registrants for a reasonable period if they are insolvent or have violated the Act.[7]

With regard to sanction determinations, the Judicial Officer has explained:

> [T]he sanction in each case will be determined by examining the nature of the violations in relation to the remedial purposes of the regulatory statute involved, along with all relevant circumstances, always giving appropriate weight to the recommendation of the administrative officials charged with the responsibility for achieving the congressional purpose.[8]

The purpose of imposing sanctions "is to accomplish the remedial purposes of the Packers and Stockyards Act by deterring future violations of the Packers and Stockyards Act by the violator and others."[9]

Complainant submits that by "fail[ing] to pay, when due, the livestock purchase amount within the time period required by the Act"[10] and by issuing checks that were returned by the bank due to insufficient funds, Respondents have committed "serious violations" of the Act and Regulations.[11] Complainant states:

> The violations alleged in the Complaint and admitted by the Respondents by their failure to file and Answer are very serious. Complainant believes that the requested sanctions are appropriate and necessary in order to achieve the remedial

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[5] *See* Motion for Default at 2-3; Proposed Decision at 7.

[6] 7 U.S.C. § 193(b).

[7] 7 U.S.C. § 204.

[8] *S.S. Farms Linn Cnty., Inc.,* 50 Agric. Dec. 476, 497 (U.S.D.A. Jud. Officer 1991) (Decision as to James Joseph Hickey & Shannon Hansen), *aff'd*, 991 F.2d 803 (9th Cir. 1993) (not to be cited as precedent under 9th Cir. R. 36-3).

[9] *Syverson*, 69 Agric. Dec. 1500, 1509 (U.S.D.A. Jud. Officer 2010) (Decision and Order on Remand), *aff'd sub nom. Syverson v. U.S. Dep't of Agric.*, 666 F.3d 1137 (8th Cir. 2012).

[10] Motion for Default at 2.

[11] *Id.* at 3.

> purposes of the Act. Furthermore, they are consistent with sanctions imposed in cases where there are violations of a serious nature.[12]

I agree with Complainant's observations. Having considered the serious nature of Respondents' violations and the remedial purposes of the Act, I find Complainant's sanctions recommendation to be reasonable and appropriate under the facts and circumstances of this case.[13]

As Respondents failed to file an answer to the Complaint, and upon Complainant's motion for the issuance of a decision without hearing, this Decision and Order is issued without further procedure or hearing pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Bennett Cattle Company, LLC ("Respondent Bennett Cattle") is or was doing business as a limited liability company organized and existing under the laws of the state of Alabama with a principal place of business and mailing address of 5488 E. State Hwy 52, Hartford, Alabama 36344.

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[12] *Id.*

[13] *See Marysville Enters., Inc.*, 59 Agric. Dec. 299, 2000 WL 123137, at *15 (U.S.D.A. Jud. Officer Jan. 4, 2000) ("[A] 5-year suspension of Respondents as registrants under the Packers and Stockyards Act is necessary to deter Respondents and other similarly situated persons from future violations of 7 U.S.C. §§ 213(a) and 228b. A 5-year-suspension . . . is in accord with the USDA's sanction policy, the sanction recommendation of the administrative officials charged with achieving the congressional purpose of the Packers and Stockyards Act, and the periods of suspension imposed in similar cases."); *see also Tiemann*, 47 Agric. Dec. 1573, 1579 (U.S.D.A. Jud. Officer 1988) ("The effect on a livestock market when a dealer fails to pay for livestock, or issues checks in payment for livestock which are returned unpaid because of insufficient funds, causes serious problems for those in the livestock trade."); *George Cnty. Stockyard, Inc.*, 45 Agric. Dec. 2342, 2351 (U.S.D.A. Jud. Officer 1986) ("Custodial account violations have long been recognized as serious violations of the Packers and Stockyards Act.") (citing *Roseth v. Bergland*, 636 F.2d 1224 (8th Cir. 1980); *Miller v. Butz*, 498 F.2d 1088, 1089 (5th Cir. 1974); *Hyatt & Ward v. United States*, 276 F.2d 308, 310-13 (10th Cir. 1960); *United States v. Donahue Bros., Inc.*, 59 F.2d 1019, 1020-23 (8th Cir. 1932)); *Bowman v. U.S. Dep't of Agric.*, 363 F.2d 81, 85 (5th Cir. 1966) ("With respect to the other business practices which were held to violate the Act, the custodial account departures are the most serious.").

2. At all times material herein, Respondent Bennett Cattle was:

   a. Engaged in the business of buying and selling livestock in commerce as a dealer;

   b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock; and

   c. Engaged in the business of a market agency buying livestock on a commission basis and as a dealer buying and selling livestock in commerce.

3. Brent E. Bennett ("Respondent Bennett") is an individual whose address is withheld to protect individual privacy but was provided to the Hearing Clerk's Office for service purposes.

4. Respondent Bennett is and at all times material herein, was:

   a. 100-percent owner of Respondent Bennett Cattle; and

   b. Responsible for direction, management and control of Respondent Bennett Cattle.

5. Respondents, during the period on or about May 2020 through October 2020 and in connection with his operations subject to the Act, purchased on a dealer basis livestock from two livestock sellers in six transactions, for a total purchase price of $528,040.95, where Respondents failed to pay the full purchase price for said livestock and owe a balance of $383,965.05.

6. During the period from May 2020 through November 2020, in 32 transactions involving the purchase of 2,158 head from auction markets and dealers throughout the Southeast, for a total purchase amount for livestock of $1,405,772.98, Respondents failed to pay, when due, the livestock purchase amount within the time period required by the Act.

7. In four of the transactions, Respondents issued checks in payment for the full amounts of the purchase invoices, and the checks were returned due to insufficient funds. Respondents failed to have and maintain sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented:

a. On July 29, 2020, Respondents issued a check in payment for 85 head of livestock. Respondents issued the check in the full purchase invoice amount of $57,312.13. Respondents' bank declined to honor this check due to insufficient funds and returned the check to Respondents' account unpaid.

b. On August 9, 2020, Respondents issued a check in payment for 128 head of livestock. Respondents issued the check in the full purchase invoice amount of $82,576.80. Respondents' bank declined to honor this check due to the account being closed.

c. On September 9, 2020, Respondents issued a check in payment for 19 head of livestock. Respondents issued the check in the full purchase invoice amount of $10,312.28. Respondents' bank declined to honor this check due to insufficient funds and returned the check to Respondents' account unpaid.

d. On November 17, 2020, Respondents issued a check in payment for 59 head of livestock. Respondents issued the check in the full purchase invoice amount of $47,272.34. Respondents' bank declined to honor this check due to insufficient funds and returned the check to Respondents' account unpaid.

Conclusions of Law

1. The Secretary of Agriculture has jurisdiction in this matter.
2. By reason of the facts above, Respondents have willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a) and 228b).

ORDER

1. Complainant's Motion for Default is GRANTED.
2. Respondents, their agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and

desist from engaging in operations subject to the act without paying timely for each and every livestock transaction and purchase from sellers of livestock.

3. Respondents' registration is suspended for a period of five (5) years.

This Decision and Order shall be final and effective without further proceedings thirty-five (35) days after service upon Respondents, unless an appeal to the Judicial Officer is filed with the Hearing Clerk within thirty (30) days after service as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139 and 1.145).

Copies of this Decision and Order shall be served upon the parties and counsel by the Hearing Clerk.

Done at Washington, D.C.,
this 20th day of May 2026,

Tierney Carlos

Tierney Carlos
Administrative Law Judge

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