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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re: Bert E. Smith IV, Rowdy Livestock, LLC, Respondent.	P&S No. 24-J-0096

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 on September 25, 2024, by the Acting Deputy Administrator, Packers and Stockyards Division, Fair Trade Practices Program, Agricultural Marketing Service, United States Department of Agriculture (USDA), alleging that Bert E. Smith and Rowdy Livestock, LLC (Respondents), willfully violated the Act and the regulations issued thereunder (9 C.F.R. § 201.1 et seq.). This Consent Decision and Order is entered pursuant to the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary under Various Statutes. *See* 7 C.F.R. § 1.138.

The Complaint was served upon Respondents, and Respondents filed an Answer.

Respondents admit the jurisdictional allegations in Section I. of the Complaint and specifically admit that the Secretary of Agriculture has jurisdiction in this matter. Respondents waive any and all rights or defenses Respondents have or might have for the matter to be adjudicated in a federal district court in the first instance, including any associated right to a jury trial. Respondents additionally waive the right to any further process or procedure in this proceeding.

Respondents further waive all rights to seek judicial review or otherwise challenge or contest the validity of this Consent Decision and Order, including challenges to the Administrative Law Judge's authority to enter this Consent Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waive any action against USDA under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by Respondents in connection with this proceeding or any action against any USDA employee in their individual capacity. Complainant and Respondents now consent and agree, for the purpose of settling this matter and for such purpose only, to the entry of this Consent Decision and Order pursuant to section 1.138 of the Rules of Practice (7 C.F.R. § 1.138).

Findings of Fact

1. Bert E. Smith IV (Respondent) is an individual whose business mailing address is 2792 Gold Road, Lewisburg, TN 37901. Rowdy Livestock, LLC (Respondent) has a business mailing address of 2792 Gold Road, Lewisburg, TN 37901. [1]

Conclusions

Respondents, having admitted the jurisdictional facts and the parties having agreed to the entry of this Consent Decision and Order, such decision will be entered.

Order

Respondents, and 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:

1. Failing to pay the full purchase price of livestock;

2. Failing to pay, when due, the full purchase price of livestock;

[1] Rowdy Livestock also has a physical location at 1508 Finely Beech Road, Lewisburg, TN 37901

3. Issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which the checks are drawn to pay the checks when they are presented for payment; and

4. Engaging in business in any capacity for which registration and bonding is required under the Act and the regulations without registering and filing an adequate bond or its equivalent, as required by the Act and regulations. If the Respondents should apply for registration and bonding in the appropriate form and amount[2], such registration and bonding shall be approved by the USDA and/or any entity that has such authority.

Respondents will adhere to any and all the payment plans outlined and ordered in the Middle District of Tennessee in the cases 1:25-bk-01518, 1:25-bk-01531, and in any all other orders by the Court for payment of monies that includes payments to owed livestock sellers in that forum. In light of the bankruptcy proceedings, any Packers and Stockyards bond obtained by Respondents will consider all obligations which are owed to or imposed by the bankruptcy court, or under such bankruptcy court orders.

In the event that such bankruptcy payment plans or orders are not adhered to, and jurisdiction of the courts in the Middle District of Tennessee ends without those payment plans or orders being adhered to, then Respondent will be prohibited from operating subject to the Act until any remainder of the livestock debt identified in those orders and listed in Respondent's current "Schedule F(s)" are paid, or for a period of 3 years (whichever occurs first).

The provisions of this Consent Decision and Order shall become effective on the sixth day after service of this Consent Decision and Order on Respondent.

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

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[2] See 9 C.F.R. §§ 201.29, 202.30, 201.31.

[redacted]

Rowdy Livestock, LLC
Respondent
(by Bert E. Smith, Owner)

April 20-2026
Date

[redacted]

Bert E. Smith
Respondent

April 20-2026
Date

Todd J. Lewellen
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Date: 2026.04.22 13:03:47 -04'00'

Todd Lewellen
Attorney for Complainant

April 22, 2026
Date

CHRISTOPHER YOUNG
Digitally signed by CHRISTOPHER YOUNG
Date: 2026.04.22 13:10:57 -04'00'

Christopher Young
Attorney for Complainant

April 22, 2026
Date

Done at Washington, D.C.,
this 22 day of April 2026.

Tierney Carlos
TIERNEY CARLOS
Administrative Law Judge