REC'D- USDA/OALJ/HCO
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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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|---|---|---|
| In re: | ) | |
| | ) | |
| Scott Alan Sanders d/b/a S.A.S. | ) | P&S-D Docket No. 23-J-0005 |
| Dairy, d/b/a Sanders Family Cattle Sales, and | ) | P&S-D Docket No. 23-J-0006 |
| | ) | |
| Cathryn R. Sanders | ) | |
| d/b/a Fire Lake Jerseys, | ) | Consent Decision and Order |
| | ) | |
| Respondents | ) | |

This proceeding was initiated under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181, et seq.) (the Act), by a Complaint filed on October 27, 2022, by the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service, United States Department of Agriculture, alleging that Respondent willfully violated the Act. This Consent Decision and Order is entered pursuant to that provision of the Rules of Practice applicable to this proceeding (pertaining to Consent Decisions without hearing) (7 C.F.R. 1.138 *et seq.*).

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; waive all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States; and waive any action against the United States Department of Agriculture 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, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this Consent Decision and Order.

Complainant agrees to the entry of this Consent Decision and Order.

## Findings of Fact

1. Scott Alan Sanders, doing business as S.A.S. Dairy and also doing business as Sanders Family Cattle Sales (Respondent S. Sanders), is an individual whose current address is in the State of California. Cathryn R. Sanders, doing business as Fire Lake Jerseys (Respondents C. Sanders) (collectively with Scott Alan Sanders "Respondents"), is an individual whose current address is in the State of California.

2. Respondents are, and at all times material herein were:

   a. Engaged in the business of buying livestock in commerce for purposes of slaughter;

   b. Market agencies buying livestock on commission; and

   c. Sharing a business office and commingling their business activities.

3. Respondents hereby declare, subject to penalty of perjury (pursuant to 28 U.S.C. 1746), the following:

   - Respondents declare they are fully paid up with all livestock markets with which they do business, consistent with the deadlines for payment provided by the Act, or are complying with the terms of any valid "Agreement for Sale of Livestock with Credit" between Respondents and the market in question, pursuant to 9 C.F.R. 201.200.

- Respondents further declare that they have fully paid any outstanding balance owed to Turlock Livestock Market as of the date of this agreement.

Conclusions of Law

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

Order

1. Respondents have provided Complainant with copies of all current Agreements for Sale of Livestock with Credit to which Respondents are a party and will continue to provide Complainant with copies of any new or revised agreements during the term of this agreement. Respondents will not enter into any Agreement for Sale of Livestock with Credit with Turlock Livestock Market and will pay all balances due to Turlock Livestock Market within the payment deadlines provided by the Act.

2. Respondents will comply with the payment deadlines provided by the Act, except where those deadlines have been modified through valid agreement between Respondents and the market in question. Respondents will immediately notify Complainant if Respondents fail to timely pay for any purchase of livestock.

3. Respondents will cease post-dating payment checks for purchase of livestock and will cease instructing markets to delay deposit of their checks.

4. Respondents will comply with all recordkeeping requirements of the Act.

5. Respondents will do business only under the business names for which they are registered and bonded.

6. In accordance with 7 U.S.C. § 213, Respondent is assessed a civil penalty of $8,000. Respondents will pay this fine within 30 days of the entry of this Consent Decision and Order, to

be paid by certified check or money order made payable to the Treasurer of the United States and sent to US Bank, USDA FMMI Lockbox 979099, 3180 Rider Trail S. Earth City, MO 63045.,. The certified check or money order shall include the case caption and docket number of this proceeding ("Scott Alan Sanders and Cathy R. Sanders, P&S Docket Nos. D-22-J-05, -06").

This Order shall have the same force and effect as if entered after a full hearing. The provisions of this Order shall become effective upon issuance.

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

[redacted]
Scott Alan Sanders
Respondent

[redacted]
Cathy R. Sanders
Respondent

TYLER BAIR Digitally signed by TYLER BAIR
Date: 2024.04.22 09:41:17 -07'00'

Ty Bair
Attorney for the Complainant

Issued in Washington, D.C.

This 23 day of April, 2024

Tierney Carlos

Tierney Carlos
Administrative Law Judge

*** The case caption (first page) has been changed to reflect the correct docket numbers in this case.

The docket numbers on page 4 could not be corrected. Page 4, line 4 should read: "P&S-D Docket Nos. 23-J-0005, 23-J-0006."

/s/ Tierney Carlos, Administrative Law Judge