

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

2002 DEC -9 A 9 33

In re:) P. & S. Docket No. D-01-0005
)
Dale Meyer d/b/a Wagner Livestock)
Sales Company,)
)
Respondent) Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), hereinafter “the Act”, by a complaint filed by JoAnn Waterfield, Deputy Administrator, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondent wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admit 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.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Dale Meyer, hereinafter referred to as the Respondent, is an individual doing business as Wagner Livestock Sales Company whose business mailing address is Box 518, Wagner, SD 57380.
2. The Respondent is, and at all times material herein was:
 - (a) Engaged in the business of selling livestock in commerce on a commission

basis;

(b) Engaged in the business of a dealer, buying and selling livestock in commerce for his own account; and

(c) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis and as a dealer to buy and sell livestock for his own account.

Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondent Dale Meyer, his agents and employees, directly, doing business as Wagner Livestock Sales Company, or through any corporate or other device, in connection with his operations subject to the Packers and Stockyards Act, shall cease and desist from:

1. Failing to make full payment of the purchase price of all consigned livestock that he buys to his Custodial Account for Shippers' Proceeds by the close of the next business day; and
2. Failing to maintain his Custodial Account for Shippers' Proceeds in strict conformity with the provisions of Section 201.42 of the regulations (9 C.F.R. § 201.42).

Respondent Dale Meyer is suspended as a registrant under the Act for a period of 21 days.

The provisions of this Order shall become effective on December 10, 2002.

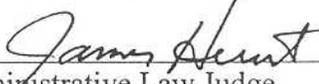
Copies of this decision shall be served upon the parties.


DALE MEYER
Respondent


KENNETH W. COTTON
Attorney for Respondent


ERIC PAUL
Attorney for Complainant

Issued this 9th day of December, 2002


Administrative Law Judge