

UNITED STATES DEPARTMENT OF AGRICULTURE

OCT 12 PM 2:45

BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:

) P. & S. Docket No. D-06-0013

Steve M. Hand,

)
)
)
)
)
)
)

Respondent

) Consent 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 the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyard Administration (GIPSA), United States Department of Agriculture alleging that the Respondent has willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted By The Secretary applicable to this proceeding (7 C.F.R. § 1.138).

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

- (a) Steve M. Hand, (hereinafter "Respondent"), is an individual whose business mailing address is 471 Pinetta Road, Ocilla, GA 31774.
- (b) Respondent is, and at all times material herein, was:
 - (1) Engaged in the business of a market agency buying livestock on a commission basis;
 - (2) Engaged in the business of a dealer buying and selling livestock for his own account in commerce;
 - (3) Registered with the Secretary of Agriculture as a market agency to buy livestock on a commission basis, and as a dealer buying and selling livestock for his own account in commerce.

Order

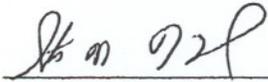
Respondent, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from:

- 1) Issuing checks in payment for livestock purchases when Respondent does not have and maintain sufficient funds on deposit and available in the account upon which the checks are drawn to pay the checks when presented, in violation of section 312(a) of the Act (7 U.S.C. §§ 213(a));
- 2) Purchasing livestock and failing to pay, when due, for such livestock purchases in violation of sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228(b)).

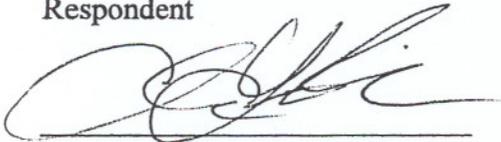
Respondent is assessed a civil penalty in the amount of three thousand dollars (\$3,000), payable on or before the effective date of this order.

The provisions of this order shall become effective on the sixth (6th) day after service of this order on Respondent.

Copies of this decision shall be served upon the parties.



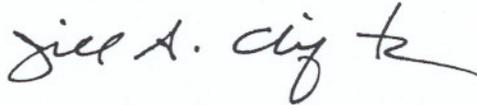
Steve M. Hand
Respondent



Christopher Young-Morales
Attorney for Complainant

Issued in Washington D.C.

this 12 day of oct, 2006



Administrative Law Judge
Jill S. Clifton