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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

P. & S. Docket No. D-07-0172

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W.L. Sawyer, d.b.a. Sawyer Livestock Co.,

Respondent

Decision Without Hearing by
Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) ("Act"), by a Complaint filed August 16, 2007, by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that W.L. Sawyer, d.b.a. Sawyer Livestock Co., ("Mr. Sawyer" or "Respondent") willfully violated the Act and 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 Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint, specifically admits that the Secretary has jurisdiction in this matter, 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. W.L. Sawyer, doing business as Sawyer Livestock Co., is an individual whose business mailing address is: P.O. Box 63, Albany, KY 42602, and whose business address is: 3503 Lakeside Ct., Somerset, KY 42501.

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2. Mr. Sawyer at all times material to this decision was:
 - a. Engaged in the business of a dealer, buying and selling livestock in commerce for his own account;
 - b. Engaged in the business of a market agency, buying livestock in commerce on a commission basis; and
 - c. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency, buying on commission.

Conclusions

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

Order

Respondent, his agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock according to the requirements of section 409 of the Packers and Stockyards Act (7 U.S.C. §228b).

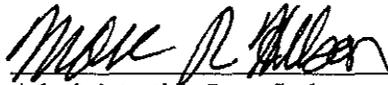
In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of five thousand five hundred dollars (\$5500) , two thousand dollars (\$2000) of which will be held in abeyance pending Respondent's compliance with the provisions of the Understanding with Respect to Civil Penalty entered into by the parties.

The provisions of this order shall become final and effective on issuance.

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.

this 18th day of April, 2008


Administrative Law Judge


W.L. Sawyer
Respondent


David M. Cross
Attorney for Respondent


Jonathan D. Gordy
Attorney for Complainant