

Findings of Fact

1. David DeStafino (hereinafter "Respondent") is an individual doing business as D & D Stockhauling, whose business mailing address is 779 County Road 1615, Cullman, Alabama 35058.
2. Respondent DeStafino is and at all times material herein was:
 - (1) President of D & D Stockhauling;
 - (2) One hundred percent owner of D & D Stockhauling;
 - (3) Responsible for the day-to-day operations of D & D Stockhauling.
3. Respondent DeStafino, doing business as D & D Stockhauling at all times material herein, was:
 - (1) Engaged in the business of buying and selling livestock in commerce for his own account as a dealer; and
 - (2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account, and as a market agency buying on commission.

Conclusions

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

Order

1. Respondent, his agents and employees, directly or through any corporate or other device, in connection with activities subject to the Act, shall cease and desist from:
 - (a) Failing to pay, when due, the full purchase price of livestock as required by section 409 of the Act (7 U.S.C. §228b).

(b) Failing to pay the full purchase price of livestock as required by section 409 of the Act (7 U.S.C. §228b).

(c) Issuing checks in payment for livestock purchases with insufficient funds in violation of section 409 of the Act (7 U.S.C. §228b).

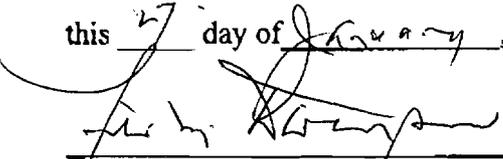
2. Respondent's registration shall be suspended for the period of five (5) years. Said suspension shall prohibit Respondent from operating as a dealer, buying and selling livestock in commerce for his own account.

The provisions of this Order shall become final and effective on the sixth (6th) day after service upon Respondents.

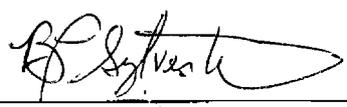
Copies of this Decision and Order shall be served upon the parties.

Issued in Washington D.C.

this 27 day of January, 2010.


Administrative Law Judge


Stuart L. Moore
Attorney for Respondent


Brian P. Sylvester
Attorney for Complainant