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UNITED STATES DEPARTMENT OF AGRICULTURE

2007 JUN 27 P 1: 33

BEFORE THE SECRETARY OF AGRICULTURE

In re:

David H. Harris, d/b/a Harris
Livestock,

Respondent

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P & S Docket No. D-7020011

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Consent Decision and Order

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 Programs, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture alleging that the Respondent has willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.), hereinafter referred to as the "Regulations." This decision is entered pursuant to the consent decision provision 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 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

1. David H. Harris, doing business as Harris Livestock, referred to herein as the "Respondent" is an individual whose business mailing address is 1030 CR 30 A, Route 6, Ashland, Ohio 44805.

2. Respondent Harris is and, at all times material herein, was:

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

(b.) Registered as an individual with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

ORDER

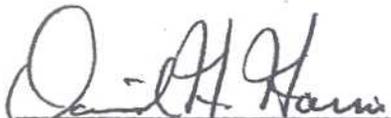
Respondent Harris, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Failing to pay, when due, the full purchase price of livestock;
2. Failing to pay the full purchase price of livestock; and
3. Failing to keep records that fully and correctly disclose all transactions involved in his business including, but not limited to, scale tickets which contain all of the information required by sections 201.49(a) and 201.73-1(d) of the Regulations (9 C.F.R. §§ 201.49(a) and 201.73-1(d)).

Respondent David H. Harris is hereby suspended as a registrant under the Act for a period of ten years. Provided, however, that upon application to Packers and Stockyards Programs a supplemental order may be issued terminating the suspension of Respondent Harris at any time after two years upon demonstration by Respondent Harris that full restitution has been made to the livestock sellers identified in the complaint; and provided further, that this order may be modified upon application to Packers and Stockyards Programs to permit the salaried employment of Respondent Harris by another registrant or packer after the expiration of the initial two years of this suspension term and upon demonstration of circumstances warranting modification of the order.

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

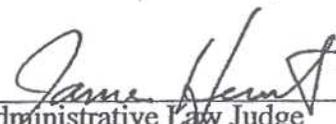
Copies of this decision and order shall be served upon the parties.


DAVID H. HARRIS, D/B/A HARRIS
LIVESTOCK, INC., Respondent


CHARLES E. SPICKNALL
Attorney for Complainant

Issued in Washington D.C.

this 27th day of June, 2002


Administrative Law Judge