

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Doyle Harms d.b.a.
Harms Livestock,

Respondent

P&S Docket No. D-08-0100

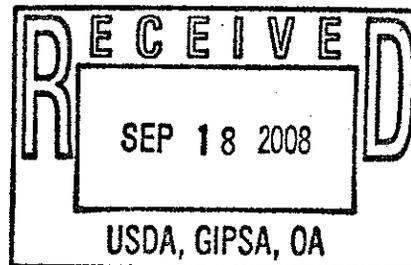
Decision Without Hearing
by Reason of Consent

Preliminary Statement

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) (Act), by a Complaint filed April 9, 2008, by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondent willfully violated the Act and Regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.) (Regulations). 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 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) Doyle Harms, d.b.a. Harms Livestock (Respondent), is an individual, whose business address 39130 179th St., Redfield, South Dakota 57469.

(b) Respondent is and at all times material to this complaint was:

1. Engaged in the business of buying and selling livestock in commerce for his own account; and
2. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to provide clearing services.

Conclusions

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

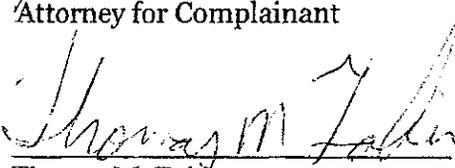
Order

Respondent, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

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 dollars (\$5,000).

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

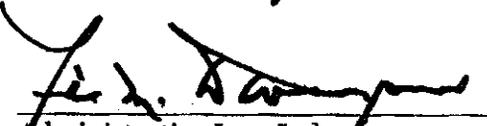

Jonathan D. Gordy
Attorney for Complainant


Thomas M. Tobin
Attorney for Respondent


Doyle Harms
Respondent

Done at Washington, D.C.

this 17th day of September, 2008


Administrative Law Judge