

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

) P & S Docket No. D-12-0374

) Daryl Bowman and
) Daryl Bowman Livestock, Inc.

) Respondents

) Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.), (the Act), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Respondents willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in paragraph I of the Complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, 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. Daryl Bowman is an individual who is 100% owner of Daryl Bowman Livestock, Inc., a corporation operating and existing under the laws of the Commonwealth of Virginia. Daryl Bowman and Daryl Bowman Livestock, Inc. are herein referred to as Respondents. Respondents' business mailing address is a home address. In order to protect the

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personal privacy of Respondents, Complainant is not providing Respondents' address in this Decision, but Complainant has provided Respondents' address to the Hearing Clerk so that service can be effected.

2. Respondent, at all times material herein, was:

(1) Engaged in the business of buying and selling livestock in commerce for its own account as a dealer; and

(2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for its own account.

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

2. In accordance with section 312(b) of the Act (7 U.S.C. 213(b)), Respondent is assessed a civil penalty of \$5,000.00 to be paid in accordance with the Understanding Regarding Civil Penalty Payment terms.

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

Copies of this decision shall be served upon the parties.

Issued in Washington D.C.

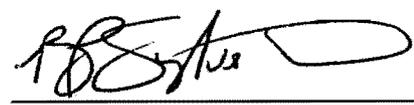
this 9th day of January, 2013



Administrative Law Judge



Daryl Bowman Livestock, Inc.
Daryl Bowman
(Respondents)



Brian P. Sylvester, Esq.
Attorney for Complainant

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