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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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|---------------------------------|---|--------------------------------|
| In re: |) | P&S Docket No. 15- <u>0179</u> |
| |) | |
| Don R. Scherman, also d/b/a |) | |
| Donald R. Scherman, D&R Cattle, |) | |
| D&R Farms and Circle D Cattle, |) | |
| |) | |
| Respondent |) | Consent Decision |

This proceeding was instituted under the Packers and Stockyards Act, 7 U.S.C. § 181 *et seq.*, (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 respondent Don R. Scherman willfully violated the Act. 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).

The 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.

The complainant agrees to the entry of this decision.

Findings of Fact

Don R. Scherman, also doing business as Donald R. Scherman, D&R Cattle, D&R Farms and Circle D Cattle, referred to herein as the respondent, is an individual whose business mailing address is HC 67 Box 659, Indianola, Oklahoma 74442.

The respondent was, at all times material in the Complaint, engaged in the business of a dealer, buying and selling livestock in commerce for his own account.

Conclusions

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

ORDER

Don R. Scherman, also doing business as Donald R. Scherman, D&R Cattle, D&R Farms and Circle D Cattle, his agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from:

- (1) Failing to pay, when due, the full purchase price of livestock;
- (2) Issuing checks in purported payment of livestock purchases without having and maintaining sufficient funds, on deposit and available in the account upon which such checks are drawn, to pay such checks when presented; and
- (3) Engaging in business in any capacity for which bonding is required, under the Packers and Stockyards Act and regulations promulgated thereunder, without maintaining an adequate bond or its equivalent.

This Order shall have the same force and effect as if entered after full hearing. The provisions of this order shall become effective on the sixth day after service of this consent decision and order on the respondent.



Copies of this decision shall be served upon the parties.

[Redacted signature]

Don R. Scherman
Respondent

[Redacted signature]

Susan Golabek
Attorney for Complainant

Clovis, CA

Done at ~~Washington, DC~~, this
27 day of ~~September~~, 2015
October

[Redacted signature]

Administrative Law Judge

Jill S. Clifton

[Redacted]