

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USDA
OAL/DOHC
2012 APR -9 PM 3:38

In re:) P&S Docket No. 12-0187
)
Doyle Harms d.b.a.)
Harms Livestock,)
)
Respondent)
)
) Decision without Hearing by
) Reason of Consent

RECEIVED

Preliminary Statement

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) (Act), by a Complaint filed January 19, 2012, 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).

Doyle Harms, d.b.a. Harms Livestock (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. Respondent is an individual, whose home and business address is in South Dakota.
2. Respondent is and at all times material to this consent decision was:
 - (a) Engaged in the business of buying and selling livestock in commerce for his own account and buying livestock in commerce on a commission basis; and
 - (b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

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, and issuing checks to livestock sellers in payment for livestock without maintaining sufficient funds on deposit and available in the account upon which those checks are drawn to pay those checks when presented.

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 twenty thousand dollars (\$20,000).

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



Jonathan D. Gordy
Attorney for Complainant



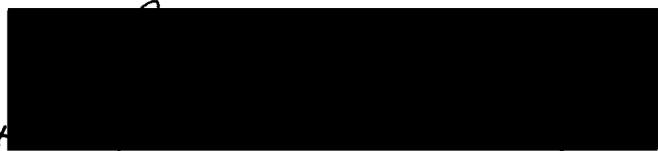
Christopher Jung
Attorney for Respondent



Doyle Harms
Respondent

Done at Washington, D.C.

this 9th day of August, 2012



Administrative Law Judge