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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P. & S. Docket No. D-07-0043
	)	
J. Edward Diehl	)	
	)	
Respondent	)	
	)	Decision Without Hearing
	)	By Reason of Consent

This disciplinary proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.; hereinafter "Act"), by a Complaint filed on December 14, 2006, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (hereinafter "Complainant"), alleging that Respondent J. Edward Diehl willfully violated the Act. This decision is entered pursuant to the consent decision provision (7 C.F.R. § 1.138) of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130-1.151; hereinafter "Rules of Practice").

Respondent J. Edward Diehl 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. J. Edward Diehl (hereinafter "Respondent"), is an individual whose business mailing address is 6761 Molly Pitcher Highway, Shippensburg, Pennsylvania 17257.

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

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

(b) Engaged in the business of a market agency buying livestock in commerce on a commission basis;

(c) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account, and as a market agency to buy livestock in commerce on a commission basis.

Conclusions

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

Order

Respondent, as an individual, and 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.

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is hereby assessed a civil penalty in the amount of One Thousand Five Hundred dollars ($1,500.00).

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 (6th) day after service of this Order on Respondent.

Copies of this decision shall be served upon the parties.

[redacted]
J. Edward Diehl
Respondent

3/12/07
Date Signed

[redacted]
Leah C. Battaglioli
Attorney for Complainant

3/15/07
Date Signed

Issued in Washington, D.C.

this 20th day of March, 2007

[redacted]
Administrative Law Judge
PETER M. DAVENPORT