

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

DEC 19 2007 02:39
TRADE PRACTICES DIVISION

In re:) P. & S. Docket No. D-07-0127
Lonnie Martin,)
Respondent) Decision Without Hearing by Reason of
Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (hereinafter referred to as the "Act"), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent willfully violated the Act. 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

1. Lonnie Martin (hereinafter referred to as "Respondent"), is an individual whose mailing address is 1505 Main Street, East Earl, Pennsylvania 17519.
2. Respondent was at all times material herein:

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

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

3. As more fully set forth in paragraph II of the Complaint, Respondent, in connection with his operations subject to the Act, made 23 purchases of livestock from six sellers over a 2 ½ month period but failed to make payment when due. Respondent's payments were from 1 to 12 days late.

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 Lonnie Martin, 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 the full amount of the purchase price for livestock when due and from failing to pay the full purchase price for livestock within the time period required by the Act.

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

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

Copies of this decision shall be served upon the parties.

Issued this 7th day of

January, 2008.

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~~_____~~

Administrative Law Judge

~~_____~~ ~~_____~~

Lonnie Martin
Respondent

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Andrew Y. Stanton
Attorney for Complainant