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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P & S Docket No. D-03-003
)	
Jacob Dressler, III, a/k/a)	
Jake Dressler, III, d/b/a)	
Clover Lane Farm)	
)	
Respondent)	Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §181 et seq.) 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 the 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 Under the Act (7 C.F.R. § 1.130 et seq.).

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

1. Jacob Dressler, III, a/k/a Jake Dressler, III, hereinafter referred to as "Respondent," is an individual doing business as Clover Lane Farm, whose mailing address is 200 Woodlands Road, Evans City, Pennsylvania 16033.

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

(a) Engaged in the business of a dealer buying and selling livestock in commerce for his own account, and engaged in the business of a market agency buying livestock on a commission basis for others; and

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce, 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 Jacob Dressler, III, and his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Failing to pay the full purchase price of livestock;
2. Failing to pay, when due, the full purchase price of livestock;
3. Issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented; and
4. Failing to keep accounts, records, and memoranda which fully and correctly disclose all transactions in his business as a dealer under the Act, specifically including bank records including statements, deposit slips, canceled checks and NSF check notices; load make-

up records and scale tickets; credit agreements; cattle purchase contracts; a general ledger, and a cash receipts and disbursements journal.

Respondent Jacob Dressler, III is hereby suspended as a registrant under the Act for a period of five (5) years. Provided, however, that upon application to the Packers and Stockyards Programs, a supplemental order terminating the suspension may be issued at any time after the expiration of 130 days upon demonstration by Respondent that all unpaid livestock sellers identified in the complaint have been paid in full; and provided further that this order may be modified upon application to the Packers and Stockyards Programs to permit the salaried employment of Respondent by another registrant or packer after the expiration of the initial 130 days and upon demonstration of circumstances warranting modification of the order.

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.



Jacob Dressler, III



David A. Richman
Attorney for Complainant

Issued this 3rd day of April 2003



Administrative Law Judge