

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE 2004 JUN -7 10 15 54

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| In re: |) | P. & S. Docket No. D-03-00-21 |
| |) | |
| Harley Crouse and Brian Crouse |) | |
| d/b/a Harley Crouse & Sons |) | |
| |) | |
| Respondents |) | Decision Without Hearing |
| |) | By Reason of Consent |

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*) (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 the Respondents wilfully 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).

Respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, 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. Harley Crouse and Brian Crouse, hereinafter referred to as Respondents, doing business as Harley Crouse & Sons, are a partnership with a mailing address of 2906 St. Rt. 775, Gallipolis, OH 45631.
2. Respondents, at all times material herein, were:

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

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a provider of clearing services.

Conclusions

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

Order

Respondents Harley Crouse and Brian Crouse, their agents and employees, directly or through any corporate or other device, in connection with operations 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; and
3. Issuing checks in payment for livestock purchases without sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented.

In accordance with 7 U.S.C. § 204, the registration of Respondents Harley Crouse and Brian Crouse is suspended for a period of five (5) years. *Provided*, however, that upon application of Respondents to Packers and Stockyards Programs a supplemental order may be issued terminating the suspension of Respondents at any time after 120 days, upon demonstration by Respondents of circumstances warranting the termination. Further, this order may be modified upon application to Packers and Stockyards Programs to permit Respondents' salaried

employment by another registrant or a packer after the expiration of the 120 day period of suspension, 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 the Respondents.

Copies of this decision shall be served upon the parties.


Harley Crouse


Brian Crouse


Charles L. Kendall
Attorney for Complainant

Issued this 7th day of January, 2004


Administrative Law Judge