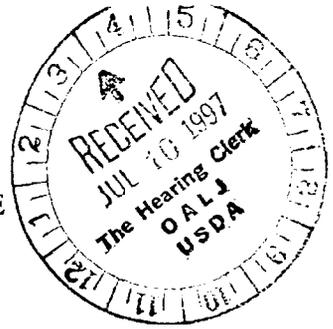


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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-97-0024
)
Walter M. Brindley, d/b/a)
Sturgis Livestock Exchange,)
)
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 Acting 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 and the regulations issued thereunder (9. C.F.R. § 201.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent Walter M. Brindley, doing business as Sturgis Livestock Exchange, 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. Respondent Walter M. Brindley, hereinafter referred to as respondent, is an individual doing business as Sturgis Livestock Exchange, whose business address is P.O. Box 1059, Sturgis, South Dakota 57785.

2. Respondent at all times material herein was:

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

(b) Engaged in the business of selling livestock, in commerce, on a commission basis for the accounts of others; and

(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 sell livestock in commerce for the accounts of others.

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 Walter M. Brindley, his agents and employees, directly or indirectly through any corporate or other device, in connection with his business operations subject to the Packers and Stockyards Act, shall cease and desist from:

1. Weighing livestock at other than their true and correct weights:
2. Paying the sellers or consignors of livestock on the basis of false or incorrect weights;
3. Issuing scale tickets, purchase invoices, or other accounts of sale on the basis of false or incorrect weights; and

4. Failing to maintain and operate livestock scales owned or controlled by respondent in such a manner as to insure accurate weights and otherwise in strict conformity with the requirements of section 201.73-1 of the regulations.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondent is assessed a civil penalty of ~~Five~~^{Three} Thousand Dollars (\$3,000.00).

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

Copies of this decision shall be served upon the parties.


WALTER M. BRINDLEY
Respondent


JOANN WATERFIELD
Attorney for Complainant

Issued this 10th day of July, 1997


Administrative Law Judge