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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P&S Docket No. 12-0584
)	
Martin D. Yoder, d.b.a.)	
Martin D. Yoder Livestock, Ltd.)	
)	
Respondent)	Decision Without Hearing by
)	Reason of Consent

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This is a disciplinary proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act) instituted by a Complaint filed on August 7, 2012, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, charging that Martin D. Yoder (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 (Rules of Practice) 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. Martin D. Yoder (Respondent) is an individual, and owner of Martin D.

Livestock, Ltd., whose business address is P.O. Box 205, Kidron, OH, 44636.

2. Respondent, at all times material to the Complaint was:

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

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

Conclusions

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

Order

Respondent, 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:

1. failing to pay the full amount of the purchase price for livestock within the time period required by the Act and the regulations promulgated under it,
2. misrepresenting the grade and yield price obtained from the ultimate purchaser of the livestock, and
3. taking an undisclosed profit above the commission from the sale of livestock sold on a commission basis.

Pursuant to section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent is assessed a civil penalty in the amount of twenty-eight thousand dollars (\$28,000), to paid according to the "Understanding Regarding Civil Penalty Payment Terms"


entered into between the parties.

This decision shall become final and effective without further proceedings upon issuance.


Copies of this order shall be served on the parties.

Done at Washington, D.C.


this 27th day of March, 2013


Administrative Law Judge

JANICE K BULLARD


Martin D. Yoder
Respondent


John Schaeffer
Attorney for Respondents


Jonathan D. Gordy
Attorney for Complainant