



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	
Merlin L. Garver, Inc., and)	Docket No. 13-0359
)	
Merlin Jan Garver,)	Docket No. 13-0360
)	
Respondents)	Consent Decision
)	

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act), by a Complaint the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that multiple Respondents, including Merlin L. Garver, Inc. and Merlin Jan Gaver, wilfully 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).

Respondents admit the jurisdictional allegations in paragraph I of the Complaint and specifically admits 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.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Merlin L. Garver, Inc., (Garver Inc.) is a corporation organized under the laws of Ohio, with a business address of 2373 Heyl Rd., Wooster, OH 44691.

2. Garver Inc., at all times material to this amended complaint is:

a. Engaged in the business of a dealer, buying and selling livestock in commerce for its own account or the account of others;

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

3. Merlin Jan Garver (Merlin Garver) is an individual with a business address of 2373 Heyl Rd., Wooster, OH 44691.

4. Merlin Garver, at all times material to this amended complaint is:

a. The 100% owner and president of Garver Inc.

b. Is responsible for the direction, management and control of Garver Inc.

c. Engaged in the business of a dealer, buying and selling livestock in commerce for his own account or the account of others;

Conclusions

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

Order

Respondent Garver Inc., its officers, directors, agents and employees, and the individual respondent Merlin Garver, his agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from:

1. Agreeing or otherwise arranging to take turns with others in the bidding and buying of livestock at auctions or other livestock markets; and
2. Failing to conduct their livestock buying operations independently of and in competition with other dealers, market agencies or packers.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are assessed jointly and severally a civil penalty in the amount of thirteen thousand dollars (\$13,000). The provisions of this order shall become final and effective on issuance.

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.

this 21st day of March, 2014



Administrative Law Judge



Merlin J. Garver
Respondent



Brett Schwemer
Attorney for Respondents



Jonathan Gordy
Attorney for Complainant