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**UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE**

In re:)	
)	
)	
Merlin L. Garver, Inc.,)	Docket No. 20-J-0037
)	
Merlin Jan Garver)	Docket No. 20-J-0038
)	
)	
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 Garver ("Respondents"), 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 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. Merlin L. Garver, Inc. is a corporation organized under the laws of Ohio, with a business address of 2372 Heyl Rd., Wooster Oh 44691.
2. Merlin L. Garver, Inc., at all times material to this amended complaint, is:
 - a. Engaged in the business of a dealer, buying and selling livestock for its own account;
 - b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock for its own account.
3. Merlin Jan Garver is an individual with a business address whose current address is in the
4. Merlin Jan Garver, at all times material to this complaint, is:
 - a. The 100% owner and president of Merlin L. Garver Inc.;
 - b. Is responsible for the direction, management and control of Merlin L. 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, this Order will be entered.

Order

Respondents Merlin L. Garver, Inc. and Merlin Jan Garver shall cease and desist from:

- 1. Agreeing, or otherwise arranging, to take turns with other buyers when bidding on livestock at livestock auction markets; and
- 2. Failing to conduct buying operations in competition with other dealers similarly engaged as set forth in Section 201.70 of the regulations (9 C.F.R. 201.70).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are assessed a civil penalty in the amount of eleven thousand dollars (\$11,000). 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 14th of October, 2021

 Tierney Carlos
 Administrative Law Judge

 Respondent

 Merlin Jan Garver, Respondent
 Respondent

 JONATHAN GORDY

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 Date: 2021.10.14 12:43:55 -04'00'

 Jonathan Gordy, Esq.
 Attorney for Complainant

 Attorney for Respondent