

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P & S Docket No. D-08-0132
)
Daniel D. Miller,)
)
Respondent) 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 Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondent willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) ("the Regulations"). 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).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter, 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. Daniel D. Miller (hereinafter "Respondent") is an individual owner whose mailing address is 798 Scotch Settlement Road, Gouverneur, New York 13642.

2. Respondent, at all times material herein, was:

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

(b) Not registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce for his own account.

Conclusions

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

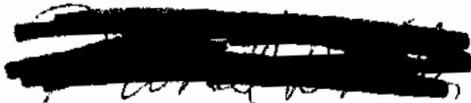
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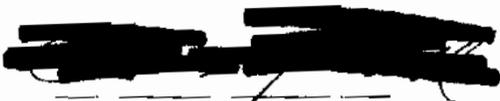
Respondent Daniel D. Miller, his agents and employees, directly or through any corporate or other device, shall cease and desist from engaging in business in any capacity for which registration and bonding is required under the Act and the Regulations, without registering and filing and maintaining the requisite bond or bond equivalent. Operating as a dealer without first being registered with the Secretary is a violation of section 303 of the Act.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent Daniel D. Miller is assessed a civil penalty in the amount of One Thousand and One Hundred Dollars (\$1,100.00).

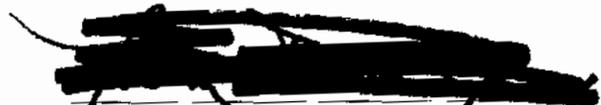
The provisions of this order shall become effective on the sixth day after service of this order on the Respondent.

Copies of this decision shall be served upon the parties.


Daniel D. Miller


Charles L. Kendall
Attorney for Complainant

Issued this 11th day of JUNE 2009


Administrative Law Judge