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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	
)	P&S Docket No. 12-0534
)	
Nathan Lewis,)	
)	
)	
Respondent)	Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §§ 181 et seq.), by a complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the respondent Nathan Lewis willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. §§ 201.1 et seq.). 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).

The 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.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Nathan Lewis is an individual whose mailing address is P.O. Box 351, Denair, CA 95316.

2. Respondent was, at all times material herein, engaged in the business of a packer buying livestock in commerce for purposes of slaughter.

Conclusions

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

Order

~~Respondent Nathan Lewis shall cease and desist from failing to pay livestock dealers or their duly authorized representatives the full amount of the purchase price for livestock before the close of the next business day following each purchase of livestock, as required by sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a) and 228b).~~

The respondent shall keep and maintain all accounts, records, and memoranda that fully and accurately disclose all transactions involved in its business, as required by section 401 of the Act (7 U.S.C. § 221), including copies of checks issued in payment for livestock which accurately show the dates on which such checks are issued.

In accordance with section 203(b) of the Act (7 U.S.C. § 193), the respondent is hereby assessed a civil penalty in the amount of seven thousand five hundred dollars (\$7,500.00).

~~Respondent shall issue a certified check or money order for five hundred dollars and zero cents (\$500.00), payable to the Treasurer of the United States, and send the payment along with this signed Consent Decision and Order, to the:~~

United States Department of Agriculture
GIPSA, Policy and Litigation Division
Attn: S. Brett Offutt, Director
1400 Independence Ave., SW
South Building
Washington, DC 20250-3646

The certified check or money order should include the docket number of this proceeding, P&S Docket No. 12-0534.

The remaining civil penalty of seven thousand dollars (\$7,000.00) shall be paid in twenty-three (23) monthly installments of two hundred and ninety-five dollars and zero cents (\$295.00), and a final 24th installment of two hundred and fifteen dollars and zero cents (\$215.00). The first of the twenty-four (24) installments shall be due on or before March 1, 2013, and the remaining twenty-three (23) installments shall be due on or before the first day of each month thereafter until the civil penalty is paid in full. Each monthly installment shall be paid by a certified check or money order made payable to the Treasurer of the United States and shall be mailed to:

USDA GIPSA
P.O. Box 790335
St. Louis, Missouri 63179-0335.

Each certified check or money order shall include the docket number of this proceeding, P&S Docket No. 12-0534.

In accordance with the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996, late payments will be subject to interest and or penalty charges. In the event of default on the payment schedule (which default remains uncured for 60 days from the due date thereof), the total unpaid balance shall be immediately due and payable without demand or notice thereof. The balance due will be unpaid principal, interest calculated from the date of the initial due date on the payment schedule, and late payment penalty. Failure to complete payments agreed to in this payment schedule will result in this debt being prepared for referral to the United States Department of Treasury for further collection action. The interest

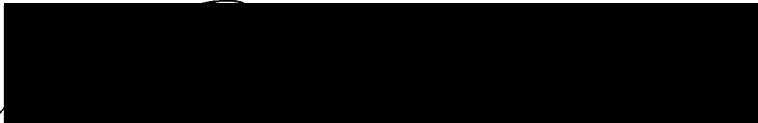
rate will be the current value of funds rate established by the Department of Treasury. For late payments, interest will be charged from the first day following the due date of the payment.

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

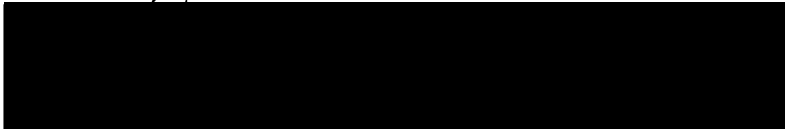
Copies of this decision shall be served upon the parties.



Nathan Lewis
Respondent



Wylie P. Cashman, Esq.
Attorney for Respondent



Margaret Burns Rath, Esq.
Attorney for Complainant

Done at Washington, D.C.

this 9th day of January, 2012



Administrative Law Judge