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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P&S Docket No. 13-0183
)
Don Harris Buying Station, Inc.,)
Don Harris and Nancy Harris.)
)
Respondents) 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 respondents Don Harris Buying Station, Inc., Don Harris and Nancy Harris 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 respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit 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.

The complainant agrees to the entry of this decision.

Findings of Fact

1. (a) Don Harris Buying Station, Inc., referred to herein as the corporate respondent, is a corporation organized and existing under the laws of the State of Idaho, with a business mailing address of 30 S. 350 W, Jerome, Idaho 83338.

(b) The corporate respondent, at all times material herein was:

(1) Engaged in the business of a dealer buying and selling livestock in commerce for its own account.

(2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy livestock in commerce on a commission basis.

2. (a) Respondent Don Harris is an individual whose business mailing address is 30 S. 350 W, Jerome, Idaho 83338.

(b) Respondent Don Harris, at all times material herein was:

(1) President and owner of 50% of the corporate respondent;

(2) In conjunction with Respondent Nancy Harris, responsible for the direction, management and control of the corporate respondent; and

(3) A dealer within the meaning of and subject to the provisions of the Act.

3. (a) Respondent Nancy Davis is an individual whose business mailing address is 30 S. 350 W, Jerome, Idaho 83338.

(b) Respondent Nancy Harris, at all times material herein was:

(1) Vice-President and owner of 50% of the corporate respondent;

(2) In conjunction with Respondent Don Harris, responsible for the direction, management and control of the corporate respondent; and

(3) A dealer within the meaning of and subject to the provisions of the Act.

Conclusions

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

Order

Respondents Don Harris Buying Station, Inc., Don Harris and Nancy Harris, their agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from:

- (1) Purchasing livestock and failing to pay for such livestock purchases the full amount of the purchase price within the time period required by the Act, as required by section 409 of the Act (7 U.S.C. § 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43); and
- (2) Issuing checks in payment for livestock without having and maintaining sufficient funds on deposit and available in the accounts upon which they are drawn to pay such checks when presented.

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 seventeen thousand five hundred dollars (\$17,500.00). Fifteen thousand dollars (\$15,000.00) of this civil penalty will be held in abeyance, provided that respondents comply with the cease and desist provisions set forth above, and the payment of \$2,500.00 as set forth in this Consent Decision and the terms of the "Understanding Regarding

Consent Decision" entered between the parties. The \$15,000 held in abeyance will be set aside upon successful compliance with the terms of this Order and the "Understanding Regarding Consent Decision."

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective on the sixth (6th) day after service of this consent decision and order on the respondents.

Copies of this decision shall be served upon the parties

[Redacted]

Don Harris Buying Station, Inc.
Respondent

[Redacted]

Don Harris
Respondent

[Redacted]

Nancy Harris
Respondent

[Redacted]

Brent T. Robinson, Esq.
Attorney for Respondent

[Redacted]

Rick D. Herndon
Attorney for Complainant

Done at Washington, D.C.

this 13th day of May, 2013

[Redacted]

Administrative Law Judge