

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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2016 FEB 18 PM 3: 15

In re:

Lonnie Martin

Respondent

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P&S Docket No. 16-

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CONSENT DECISION

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (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 (GIPSA), United States Department of Agriculture, alleging that the respondent willfully violated the Act and the regulations issued thereunder (9 C.F.R. § 201.1 *et seq.*). This decision is entered pursuant to the consent decision provisions 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. Lonnie Martin (hereinafter referred as Respondent) is an individual whose current mailing address is in the Commonwealth of Pennsylvania. The address will not be stated in the complaint to protect the privacy of the Respondent, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture,

for the purposes of service of this complaint.

2. Respondent is, and at all times material herein was:
 - a. Engaged in the business of buying livestock in commerce for the purposes of slaughter; and
 - b. A packer within the meaning of and subject to the provisions of the Act.

Conclusions

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

Order

1. The Respondent, his agents and employees, directly or through any corporate or other device, in connection with activities subject to the Act, shall cease and desist from failing to comply with the requirements of sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228(b)), specifically, failing to pay the full purchase price of livestock and from failing to pay the full purchase price for livestock within the time period required by the Act.
2. In accordance with section 312(b) of the Act (7 U.S.C. § 213 (b)), Respondent is assessed a civil penalty of Thirty Three Thousand dollars (\$33,000.00). The civil penalty will be held in abeyance so long as Respondent pays restitution to the parties named in the Understanding in accordance with the terms of the Understanding.
3. The provisions of this order shall become effective on the sixth day after service of this order on Respondent.

Copies of this decision shall be served upon the parties.

Issued in Washington, D.C.

This 18 day of February 2016



Administrative Law Judge
Jill S. Clifton



Lonnie Martin
Respondent

2-11-16
Date



Lisa Jabaily
Attorney for Complainant

2-17/16
Date