

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USDA
OAL/VOHC
OCT 12 AM 9:41
RECEIVED

In re:) P. & S. Docket No. D-07-0178
)
Dustin Lewis, a/k/a Dusty Lewis)
)
Respondent)
) Consent Decision

This disciplinary proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.; hereinafter “Act”), by a Complaint filed on August 23, 2007, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (hereinafter “Complainant”), alleging that Respondent Dustin Lewis, a/k/a Dusty Lewis, willfully violated the Act. The consent decision is entered pursuant to the consent decision provision (7 C.F.R. § 1.138) of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130-1.151; hereinafter “Rules of Practice”).

Respondent Dustin Lewis, a/k/a Dusty Lewis, 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 consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

1. Dustin Lewis, a/k/a Dusty Lewis (hereinafter "Respondent"), is an individual whose mailing address is HC 88, Box 110, Bassett, Nebraska 68714.
2. Respondent at all times material to the Complaint was:
 - (a) Engaged in the business of buying and selling livestock in commerce as a dealer for his own account;
 - (b) Engaged in the business of a market agency buying livestock in commerce on a commission basis; and
 - (c) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.

Order

Respondent, as an individual, and his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from:

1. Failing to pay, when due, the full purchase price of livestock; and
2. Issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which the checks are drawn to pay the checks when presented.


Respondent shall keep accounts, records, and memoranda that fully and correctly disclose all transactions involved in his business subject to the Act. Specifically, Respondent shall keep and maintain a check ledger, all market agency buying on commission purchase invoices, all market agency buying on commission record of commissions received, all livestock purchase and sale invoices for dealer activities, all settlement sheets, load make-up sheets, and non-

sufficient funds check notices as required by section 401 of the Act (7 U.S.C. § 221) and as more fully outlined in section 203.4 of the Statements of General Policy Under the Packers and Stockyards Act (9 C.F.R. § 203.4).

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of One Thousand Six Hundred Fifty Dollars (\$1,650.00).

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 order on Respondent.

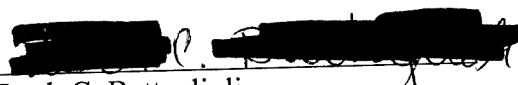
Copies of this consent decision shall be served upon the parties.



Dustin Lewis
Respondent

9/21/07

Date Signed




Leah C. Battaglioli
Attorney for Complainant

10/2/07

Date Signed

Issued in Washington, D.C.

this 12 day of October, 2007



Administrative Law Judge
Jill S. Clifton