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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:

P. & S. Docket No. D-06-0005

Richard Garver

Respondent

Decision Without Hearing by Reason of
Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181-229)(“Act”), by a complaint filed by the Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent willfully violated the Act and the regulations promulgated thereunder. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes 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, 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.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Richard Garver is an individual with a whose mailing address is 5237 Sarah Circle, Wooster, OH 44691.
2. Respondent is and at all times material to the complaint was:
 - (a) Engaged in the business of a dealer buying and selling livestock in commerce for his own account; and
 - (b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.
 - (c) Registered with the Secretary of Agriculture as a market agency to buy on commission basis.

Conclusions

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

Order

Respondent Richard Garver, 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 failing to pay the full amount of the purchase price for livestock within the time period required by section 409 the Act (7 U.S.C. § 228b) and the regulations promulgated under the Act (9 C.F.R. 201.44).

Respondent Richard Garver shall be suspended as a registrant under the Act for 5 years. Provided, however, that upon application to the Packers and Stockyards Administration a supplemental order may be issued terminating the suspension after 150 days upon Respondent's demonstration that all unpaid livestock sellers have been paid in full.

The provisions of this order shall become final and effective on issuance.

Copies of this decision shall be served upon the parties.

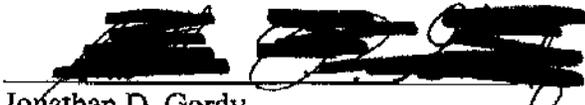
Issued this 10th day of

January, 2006.

 
Administrative Law Judge


Richard Garver
Respondent


David Knolton (Ohio #0059687)
Attorney for Respondent


Jonathan D. Gordy
Attorney for Complainant