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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P. & S. Docket No. D-08-0144
Honey Creek Cattle Co., d/b/a Peace)	
Livestock, James L. Thurn, and Deryl))	
D. Hines,)	
Respondents)	Consent Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), hereinafter "the Act", by a Complaint and Notice to Show Cause filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in paragraph I of the Complaint and Notice to Show Cause, 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.

Respondent James L. Thurn withdraws his application for registration.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Honey Creek Cattle Co., d/b/a Peace Livestock, is a Iowa corporation whose business address is 1025 210th Avenue, P.O. Box 55, Edgewood, IA 52042.
2. Respondent Honey Creek Cattle Co., d/b/a Peace Livestock, at all times material

herein was:

(a) Engaged in the business of a dealer, buying and selling livestock in commerce for its own account, and of a market agency buying on commission.

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy on commission, using the trade name Peace Livestock.

3. Respondent James L. Thurn is an individual whose address is 1075 Logan Road, Edgewood, IA 52042.

4. Respondent James L. Thurn is and at all times material herein was:

(a) President, director, and 50 % shareholder of Honey Creek Cattle Co.

(b) The person who, together with Respondent Deryl D. Hines, has managed, directed, and controlled the dealer and market agency buying on commission operations that Honey Creek Cattle Co., has conducted under the trade name Peace Livestock since 2004.

(c) Not individually registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce or as a market agency to buy on commission.

5. Respondent Deryl D. Hines is an individual whose business address is 1025 210th Avenue, P.O. Box 55, Edgewood, IA 52042.

6. Respondent Deryl D. Hines is and at all times material herein was:

(a) Treasurer, director, registered agent, and 50 % shareholder of Honey Creek Cattle Co.

(b) The person who, together with Respondent James L. Thurn, has managed, directed, and controlled the dealer and market agency buying on commission operations that

Honey Creek Cattle Co., has conducted under the trade name Peace Livestock since 2004.

(c) Not individually registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce or as a market agency buying on commission.

7. On June 10, 2008, Respondent James L. Thurn filed an application for registration seeking to be registered as a dealer to purchase livestock for slaughter in accordance with section 303 of the Act (7 U.S.C. § 203) and section 201.10(c) of the regulations (9 C.F.R. § 201.10(c)).

Conclusions

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

Order

Respondent Honey Creek Cattle Co., d/b/a Peace Livestock, its officers, directors, agents and employees, successors and assigns, directly or through any corporate or other device, and Respondents James L. Thurn and Deryl D. Hines, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Packers and Stockyards Act, shall cease and desist from:

1. Failing to pay the full purchase price of livestock;
2. Failing to pay, within the time period required by the Act, the full purchase price of livestock; and
3. Issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented;

Respondent Honey Creek Cattle Co., d/b/a Peace Livestock, is suspended as a registrant

under the Act for a period of eight years.


Respondents James L. Thurn and Deryl D. Hines, as the *alter egos* of Respondent Honey Creek Cattle Co., d/b/a Peace Livestock, are suspended as registrants for the period of eight years, provided, that a Supplemental Order may be issued permitting the employment of Respondent James L. Thurn and/or Respondent Deryl D. Hines upon demonstration to Complainant that six years of suspension have been fully served, and that a suitable registrant or packer is willing to provide *bona fide* salaried employment during the balance of the eight year suspension period.

Respondent James L. Thurn having withdrawn his application for registration, the Notice to Show Cause portion of this proceeding is hereby dismissed.


The provisions of this Order shall become effective on the sixth day after service of this order on the Respondents.

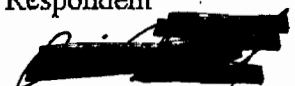
Copies of this decision shall be served upon the parties.

HONEY CREEK CATTLE CO.
Respondent


By 
JAMES L. THURN
President


JAMES L. THURN
Respondent


DERYL D. HINES
Respondent


ERIC PAUL
Attorney for Complainant

Issued this 29 day of August 2008


JILL S. CLIFTON
Administrative Law Judge