

Alan C. —

USDA
GIPSA/OA/HC
UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE
JAN 5 PM 2:32

In re:

P&S Docket No D-09-0018
RECEIVED

Barber Livestock, LLC,
Mark Barber, and
Lora Barber

Respondents

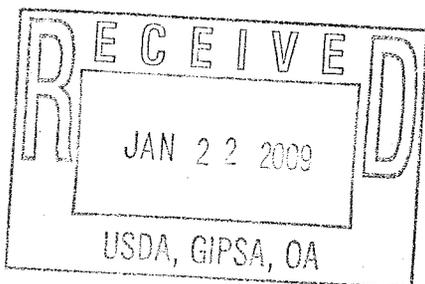
Decision Without Hearing by
Reason of Consent

Preliminary Statement

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) (Act), by a Complaint filed October 31, 2008, by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondents willfully violated the Act and Regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.) (Regulations). 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).

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 that purpose only, to the entry of this decision.

Complainant agrees to the entry of this decision.



CC: Brett

Findings of Fact

1. Barber Livestock, LLC (Respondent Livestock) is a corporation organized and existing under the laws of the State of Wisconsin. Its last known business address was 190 Scenic Way, Sobieski, WI 54171.
2. Respondent Livestock, at all times material to this decision, was:
 - a. Engaged in the business of a dealer buying and selling livestock in commerce for its 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 its own account and as a market agency to sell livestock on a commission basis.
3. Mark Barber and Lora Barber (Individual Respondents) are individuals. Their last known business address was 190 Scenic Way, Sobieski, WI 54171.
4. Individual Respondents, at all times material to this decision, collectively owned 100% of the issued stock of Respondent Livestock, were members of the LLC, and were responsible for the management, direction, and control of Respondent Livestock.

Conclusions

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

Order

Respondents, their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and

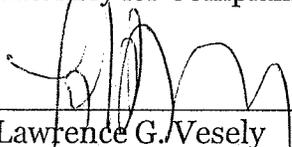
desist from:

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

Respondents are suspended as registrants under the Act for 120 days.

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

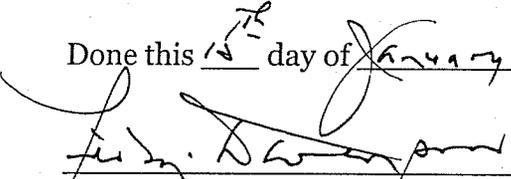

Jonathan D. Gordy
Attorney for Complainant


Lawrence G. Vesely
Attorney for Respondents


Mark Barber


Lora Barber

Done this 15th day of January, 2009.


Administrative Law Judge