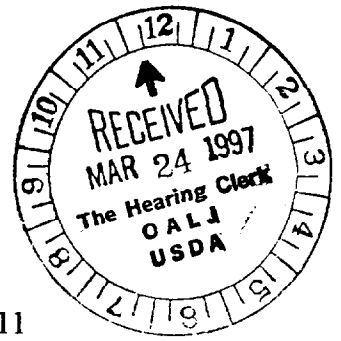


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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P & S Docket No. D-96-11  
)  
)  
Dodge County Stockyard, )  
Inc. and Martin Burch, )  
)  
Respondents ) Consent Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §181 et seq.) by a complaint filed by the Deputy Administrator, Packers and Stockyards Programs, GIPSA, United States Department of Agriculture, alleging that the respondents wilfully violated the Act. 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 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 such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Dodge County Stockyard, Inc., hereinafter referred to as the corporate respondent, is a corporation organized and existing in the State of Georgia. Its business mailing address is Route 3, Box 55, Eastman, Georgia 31023.
2. The corporate respondent is and at all times material herein, was:

a. Engaged in the business of conducting and operating the Dodge County Stockyard, Inc., a posted stockyard subject to the provisions of the Act, hereinafter referred to as the stockyard;

b. Engaged in the business of a dealer buying and selling livestock;

c. Engaged in the business of a market agency selling livestock on a commission basis; and

d. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock and as a market agency to buy and sell livestock on a commission basis.

3. Martin Burch, hereinafter referred to as the individual respondent, is an individual whose business mailing address is Route 3, Box 55, Eastman, Georgia 31023.

4. The individual respondent is, and at all times material herein was:

a. Vice-President and manager of the corporate respondent; and

b. Responsible for the direction, management and control of the corporate respondent.

#### Conclusions

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

#### Order

Respondents Dodge County Stockyard, Inc., its agents and employees, directly or through any corporate device, and respondent Martin Burch, directly or through any corporate or other device, in connection with their activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Engaging in business subject to the Act while their current liabilities exceed its current assets;

2. Failing to deposit in its Custodial Account for Shippers' Proceeds, within the times prescribed in Section 201.42 of the regulations (9 C.F.R. §201.42), amounts equal to the outstanding proceeds receivable due from the sale of consigned livestock;

3. Failing to otherwise maintain the Custodial Account for Shippers' Proceeds in strict conformity with the provisions of Section 201.42 of the regulations (9 C.F.R. §201.42);

4. 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; and

5. Failing to pay, when due, the full purchase price of livestock.

Respondents Dodge County Stockyard, Inc. and Martin Burch shall keep and maintain accounts, records and memoranda which fully and correctly disclose the true nature of all transactions involved in their business subject to the Packers and Stockyards Act, including, but not limited to, (a) accounts payable records; (b) accounts receivable records, (c) checking account reconciliations; (d) an outstanding check list; (e) cash receipts; (f) a cash disbursements journal; (g) buyers' bills; (h) corporate records; (i) records of personal loans from the corporate officers to the corporation; and (j) advise notices for insufficient funds checks.

Respondents Dodge County Stockyard, Inc. and Martin Burch are suspended as registrants under the Act for a period of 28 days and thereafter until they demonstrate that their current liabilities do not exceed their current assets and until they demonstrate that the shortage in the custodial account has been eliminated.

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

Copies of this decision shall be served upon the parties.

DODGE COUNTY STOCKYARD, INC.  
Respondent

By:

Martin' Burch

Title:

PRESIDENT

Martin Burch

MARTIN BURCH

Respondent

Kimberly Denise Hart

KIMBERLY DENISE HART

Attorney for Complainant

Ross Schell

ROSS SCHELL

Attorney for Respondent

Issued this 24 day of March 1997

Ed A. But

Administrative Law Judge