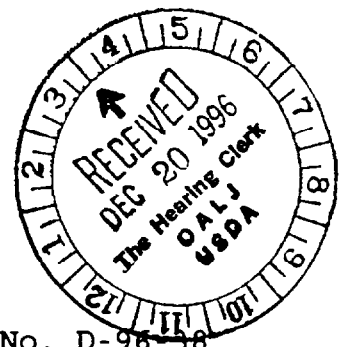


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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-98-38
)
Dane S. Fine,)
)
Respondent) Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §181 et seq.) by a complaint filed by the Acting Deputy Administrator, Packers and Stockyards Programs, GIPSA, United States Department of Agriculture, alleging that the respondent 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 respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction over this matter. The respondent neither admits nor denies the remaining allegations. He 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.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Dane S. Fine, hereinafter referred to as the respondent, is an individual whose business mailing address is 131 Cambridge Manor, Pittsburgh, Pennsylvania 15049.

2. Respondent is and at all times material herein was:

a. Engaged in the business of a dealer buying and selling livestock in commerce for his own account and for the

accounts of others; and

b. Registered with the Secretary of Agriculture as a dealer to buy for slaughter purposes only.

Conclusion

The respondent admitted the jurisdictional facts and the parties agreed to the entry of this decision. Therefore this decision will be entered.

Order

Respondent Dane S. Fine, his agents and employees, directly or through any corporate device in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Failing to pay, when due, the full purchase price of livestock; and

2. Failing to pay the full purchase price of livestock.

Respondent Dane S. Fine shall keep and maintain accounts, records and memoranda which fully and correctly disclose the true nature of all transactions involved in his business subject to the Packers and Stockyards Act, including, but not limited to, (a) a record of cash receipts and disbursements; (b) a record of payment for livestock; (c) bank statements; and (d) canceled checks.


Respondent Dane S. Fine is suspended as a registrant under the Act for a period of 5 years. Provided however, that upon application to Packers and Stockyards Programs, GIPSA, a supplemental order may be issued terminating the suspension of

Dane S. Fine at any time after the expiration of the initial 120 days of this suspension term upon demonstration by the respondent that all livestock sellers identified in the complaint in this proceeding have been paid in full. Provided further, that this order may be modified upon application to the Packers and Stockyards Programs, GIPSA, to permit the salaried employment of respondent Dane S. Fine by another registrant or packer after the expiration of the initial 120 days of this suspension term and upon demonstration of circumstances warranting modification of the order. This consent decision shall not preclude the respondent from being employed as a butcher by another registrant or packer, provided that the respondent in that or any other capacity, does not engage in those activities that are subject to the Act.

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

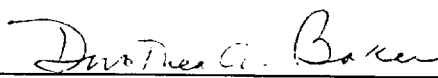


DANE S. FINE
Respondent



ANDRE ALLEN VITALE
Attorney for Complainant

Issued this 20th day of December, 1996



Dorothea A. Baker
Administrative Law Judge