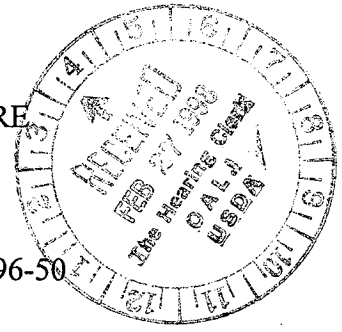


P 23

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P. & S. Docket No. D-96-50
William R. (Bill) Martin)
and Richard F. (Rick))
Martin,)
Respondents) 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, Packer and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration (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. § i.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. William R. (Bill) Martin, hereinafter respondent Bill Martin, is an individual whose business mailing address is P.O. Box 111, Homeland, FL 33847.

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

(a) Engaged in the business of buying and selling livestock in commerce for his own account or the account of others, buying livestock on a commission basis, and operating as a clearing agency for Richard F. Martin; and

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account or the account of others, as a market agency to buy livestock in commerce on a commission basis, and as a clearing agency.

3. Richard F. (Rick) Martin, hereinafter respondent Rick Martin, is an individual whose business mailing address is P.O. Box 111, Homeland, FL 33847.

4. Respondent Rick Martin is, and at all times material herein was:

(a) Engaged in the business of buying and selling livestock in commerce for his own account or the account of others, buying livestock on a commission basis, and operating as a clearee of William R. Martin; and

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account or the account of others, as a market agency to buy livestock in commerce on a commission basis, and as a clearee.

Conclusions

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

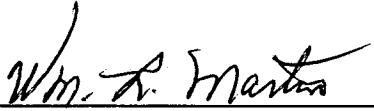
Order


Respondents William R. (Bill) Martin and Richard F. (Rick) Martin, their agents employees, 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. Failing to pay, when due, the full purchase price of livestock; and
2. Issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented.

Respondents William R. (Bill) Martin and Richard F. (Rick) Martin are suspended as registrants under the Act for a period of twenty-eight (28) days.

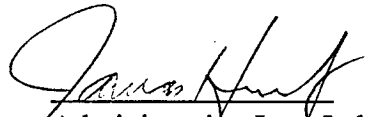
The provisions of this order shall become effective on the sixth day after service of this order on the respondents.


WILLIAM R. (BILL) MARTIN


RICHARD F. (RICK) MARTIN
Respondents


ERIC PAUL
Attorney for Complainant

Issued this 27th day of February 1998


Administration Law Judge