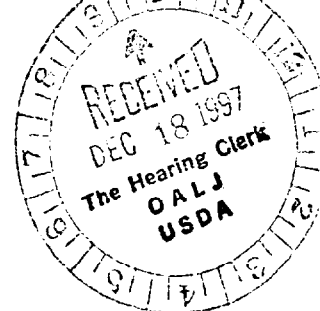


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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P. & S. Docket No. D-96-36
)
Lamar Delmas,)
)
)
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 Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, 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 in this matter, neither admits nor denies the remaining allegations, 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. Lamar Delmas, hereinafter referred to as respondent Delmas, is an individual whose business mailing address is P. O. Box 267, Escatawpa, Mississippi 39552.

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

(a) Engaged in the business of buying and selling livestock for his own account or the account of others.

(b) Registered as an individual with the Secretary of Agriculture as a dealer to buy and sell livestock on his own account.

Conclusions

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

Order

Respondent Delmas, his agents and employees, directly or through any corporate or other device, in connection with his operations 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 such checks are drawn to pay such checks when presented; and

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

Respondent Delmas is suspended as a registrant under the Act for a period of twenty-one (21) days. In addition, in accordance with section 312(b) of the Act (7 U.S. C. §213(b)), respondent Delmas is assessed a civil penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

The provisions of this order shall become effective on the first day after filing.


Copies of this decision shall be served upon the parties.



LAMAR DELMAS
Respondent




ALLAN R. KAHAN
Attorney for Respondent



JANE MCCAIVITT
Attorney for Complainant

Issued this 18 day of Dec 97



EDWIN S. BERNSTEIN
Administrative Law Judge