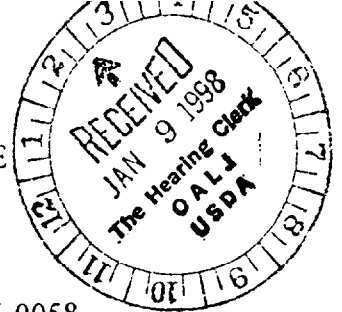


UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) P. & S. Docket No. D-96-0058  
)  
)  
Steven Carpenter d/b/a )  
Steven Carpenter Farms, )  
) Decision Without Hearing by Reason of  
Respondent ) Consent

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 respondent has willfully 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).

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) Steven Carpenter d/b/a Steven Carpenter Farms, hereinafter referred to as the respondent, is an individual whose business mailing address is P.O. Box 881, Jefferson, Oregon 97352.

(2) The respondent 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 accounts of others; and

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

#### 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 Steven Carpenter d/b/a Steven Carpenter Farms, his officers, directors, agents, employees, successors and assigns, individually or through any corporate or other device, in connection with his operations subject to the Act, shall cease and desist from:

(a) Arbitrarily and fraudulently reporting inaccurate carcass weights and prices obtained from the packers;

(b) Falsely accounting to and paying livestock sellers on the basis of false weights;

(c) Misrepresenting to livestock sellers that their livestock had died in transit to the packer when in fact the livestock had been slaughtered and respondent had received payment for such livestock; and

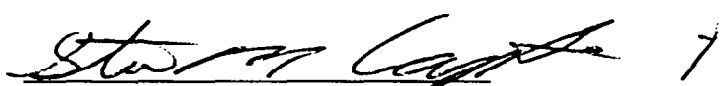
(d) Making and keeping records which do not fully disclose livestock transactions.

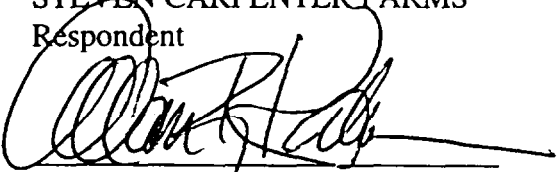
Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), respondent is assessed a civil penalty in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00), of which Two Thousand Five Hundred Dollars (\$2,500.00) shall be paid to complainant and the remaining Five


Thousand Dollars (\$5,000.00) shall be held in abeyance for five years from the date of this order. If, within 5 years from the date of this order, respondent is subject to a final administrative or judiciary determination that he has committed any additional violation of the Packers and Stockyards Act, the Five Thousand Dollars (\$5,000.00) held in abeyance shall be immediately due and payable from respondent to complainant, in addition to any other penalties which may result from additional violations of the Packers and Stockyards Act determined to have been committed.

Respondent is suspended as a registrant under the Act for a period of 120 days.

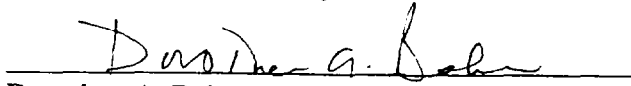
The provisions of this order shall become effective on November 13, 1997. Copies of this decision shall be served upon the parties.

  
 STEVEN CARPENTER D/B/A  
 STEVEN CARPENTER FARMS  
 Respondent

  
 ALLAN ROBERT KAHAN  
 Attorney for Respondent

  
 ANDREW Y. STANTON  
 Attorney for Complainant

Issued this 9<sup>th</sup> day of January, 1998

  
 Dorothea A. Baker  
 Administrative Law Judge