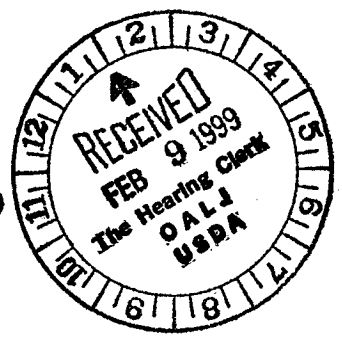


Davis

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P. & S. Docket No. D-98-10
)
Mountain Home Livestock Auction,)
Inc.,)
)
Respondent) Decision Without Hearing by Reason of
) 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, GIPSA, United States Department of Agriculture, alleging that Respondent willfully violated the Act and the regulations issued thereunder (9 C.F.R. § 201.1 et seq.). 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.

Complainant agrees to the entry of this decision.

Findings of Fact

(1) Respondent, Mountain Home Livestock Auction, Inc. (hereinafter referred to as "Respondent"), is a corporation whose business mailing address is P.O. Box 263, Midway, Arkansas 72651.

(2) Respondent was at all times material herein:

(a) Engaged in the business of a market agency, selling livestock on a commission basis; and

(b) Registered with the Secretary of Agriculture as a market agency buying and selling livestock on a commission basis.

Conclusions

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

Order

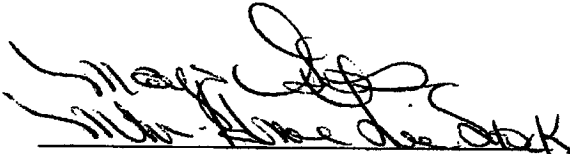
Respondent Mountain Home Livestock Auction, Inc., its officers, directors, agents, employees, successors and assigns, individually or through any corporate or other device, in connection with its operations subject to the Act, shall cease and desist from:


1. Failing to deposit in Respondent's "Custodial Account for Shippers' Proceeds" within the time prescribed by section 201.42 of the regulations (9 C.F.R. § 201.42) an amount equal to the proceeds receivable from the sale of consigned livestock;
2. Failing to maintain Respondent's "Custodial Account for Shippers' Proceeds" in conformity with the provisions of section 201.42 of the regulations (9 C.F.R. § 201.42); and
3. Using custodial funds for purposes of its own or for any purpose other than the remittance of net proceeds to the person or persons entitled thereto and the payment of lawful marketing charges.

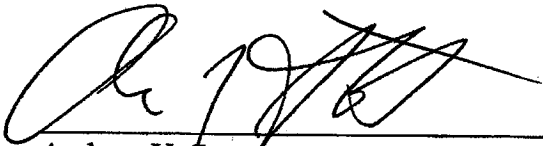
Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of \$1,000.

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


Copies of this decision shall be served upon the parties.


for Mountain Home Livestock Auction, Inc.
Respondent


James C. Johnson, Esq.
Attorney for Respondent


Andrew Y. Stanton
Attorney for Complainant

Issued this 9th day of
February, 1999.


Dorothea A. Baker
Administrative Law Judge