



UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P & S Docket No. D-98-0016
	)	
Lee Gashel & Sons, Inc.	)	
and Kenneth L. Gashel	)	
	)	
	)	
Respondents	)	Consent Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §181 et seq.) by a Complaint and Notice of Hearing filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, 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. §1.138).

The Respondents admit the jurisdictional allegations in paragraph I of the Complaint and Notice of Hearing 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) Lee Gashel & Sons, Inc., hereinafter referred to as "Corporate Respondent", is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania. Its mailing address is R. D. #1, P. O. Box G, Claysville, PA 15323.

(2) Corporate Respondent is and at all times material herein was:

(a) Engaged in the business of buying livestock in commerce for purposes of slaughter, manufacturing or preparing meat or meat food products for sale or shipment in commerce; and

(b) A packer within the meaning of and subject to the provisions of the Act.

(3) Kenneth L. Gashel, hereinafter referred to as "Respondent Gashel", is an individual whose mailing address is 178 Rt. 231 North, Claysville, PA 15323.

(4) Respondent Gashel at all times material herein was:

(a) President of Corporate Respondent;

(b) Responsible for the direction, management and control of Corporate Respondent;

(c) Engaged in the business of buying livestock in commerce for purposes of slaughter, manufacturing or preparing meat or meat food products for sale or shipment in commerce; and

(d) A packer within the meaning of and subject to the provisions of the Act.

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

Corporate Respondent, Lee Gashel & Sons, Inc., its officers, directors, agents and employees, successors and assigns, either directly or through any corporate device, in connection with its activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Issuing checks in payment for livestock purchases in commerce for the purpose of slaughter without maintaining sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented; and
2. Failing to pay, when due, the full purchase price of livestock purchased in commerce for the purpose of slaughter.

In accordance with section 203(b) of the Act (7 U.S.C. §192(b)), Corporate Respondent Lee Gashel & Sons, Inc. is liable for a civil penalty in the amount of ~~One Thousand Dollars~~ <sup>Six Hundred Seventy Dollars</sup> ~~TCOA~~ <sup>TCOA</sup>  
\$670.00  
(\$1,000.00). <sup>TCOA</sup>

Respondent Kenneth L. Gashel, his agents, and employees, either directly or through any corporate device, in connection with its activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Issuing checks in payment for livestock purchases in commerce for the purpose of slaughter without maintaining sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented; and

2. Failing to pay, when due, the full purchase price of livestock purchased in commerce for the purpose of slaughter.

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

Copies of this decision shall be served upon the parties.

LEE GASHEL & SONS, INC.  
Respondent

Harold Ray Gashel  
By

Sec. Treas  
Title

Kenneth L. Gashel  
Kenneth L. Gashel  
Respondent

Kimberly D. Hart  
Kimberly D. Hart  
Attorney for Complainant

Issued this 29 day of Nov 1998

[Signature]  
Administrative Law Judge