



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-98-028
)
Lynn R. Hottle)
)
Respondent)

DECISION WITHOUT HEARING
BY REASON OF DEFAULT

Preliminary Statement

This is a disciplinary proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) herein referred to as the Act, instituted by a complaint filed by the Acting Deputy Administrator, Grain Inspection Packers and Stockyards Administration, United States Department of Agriculture, charging that the respondent wilfully violated the Act.

Copies of the complaint and the Rules of Practice (7 C.F.R. §1.130 et seq.) governing proceedings under the Act were served upon respondent by certified mail on July 27, 1998. Respondent was informed in a letter of service that an answer should be filed pursuant to the Rules of Practice and that failure to answer would constitute an admission of all the material allegations contained in the complaint.

Respondent has failed to file an answer within the time prescribed in the Rules of Practice, and the facts alleged in the

complaint, which are admitted by respondent's failure to file an answer, are adopted and set forth herein as findings of fact.

This decision and order, therefore, is issued pursuant to section 1.139 of the Rules of Practice (7 C.F.R. §1.139).

Findings of Fact

1. Lynn R. Hottle, hereinafter referred to as the respondent, is a individual doing business in the State of Pennsylvania, and whose mailing address is R.D. #2, P.O. Box 183. Wysox, Pennsylvania 18854.

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

(a) Engaged in business as a dealer buying and selling livestock in commerce for his own account; and

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

3. Respondent, in connection with his operations subject to the Act, was notified by certified mail received on March 3, 1998, as set forth in paragraph II(a) in the complaint that he was required to maintain a surety bond or its equivalent in the amount of \$10,000 to secure the performance of its livestock obligations under the Act. Respondent was again notified by certified mail received on March 30, 1998, that due to the volume of business (livestock purchases) shown on his last annual Dealer Business Report of March 13, 1998, he was required to increase his bond from the amount of \$10,000.00 to \$15,000.00 before continuing his livestock operations subject to the Act.

Notwithstanding such notices, respondent failed to obtain the bond and has continued to engage in the business of a dealer without maintaining an adequate bond or its equivalent as required by the Act and regulations.

Conclusions

By reason of the facts found in the Finding of Facts herein, respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)), and sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29, 201.30)

Order

Respondent Lynn R. Hottle, his agents and employees, directly or indirectly through any corporate or other device, in connection with his operations subject to the Packers and Stockyards Act, shall cease and desist from engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act, as amended and supplemented, and the regulations without filing and maintaining an adequate bond or its equivalent, as required by the Act and the regulations.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondent is hereby assessed a civil penalty in the amount of one thousand dollars (\$1,000.00). This decision shall become final and effective without further proceedings 35 days after the date of service upon the respondent, unless it is

appealed to the Judicial Officer by a party to the proceeding within 30 days pursuant to section 1.145 of the Rules of Practice (7 C.F.R. §1.145).

Copies hereof shall be served upon the parties.

Done at Washington, D.C.

this 1st day of December 1998

Druides G. Baker

Administrative Law Judge