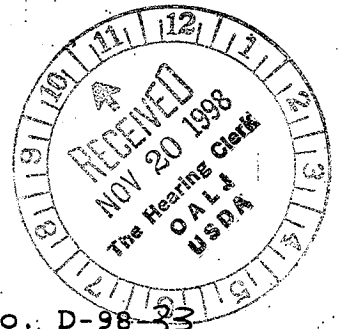


Davis



UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P. & S. Docket No. D-98-33
	)	
Orville L. Pettersen and	)	
Sandra K. Pettersen, d/b/a	)	
Pettersen Livestock,	)	
	)	
Respondents	)	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 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 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. Orville L. Pettersen is an individual whose business mailing address is Rural Route 1, Box 276A, Madelia, Minnesota 56062.

2. Sandra K. Pettersen is an individual whose business mailing address is Rural Route 1, Box 276A, Madelia, Minnesota 56062.

3. Respondents Orville and Sandra Pettersen are, and at all times material herein, were partners doing business as Pettersen Livestock and, in their capacity as partners, at all times material herein, were:

(a) Engaged in the business of buying and selling livestock for their own account; and

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

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

Respondents Orville and Sandra Pettersen, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act shall cease and desist from:

1. Issuing checks in payment for 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;
2. Failing to pay, when due, the full purchase price of livestock; and
3. Failing to pay the full purchase price of livestock.

Respondents Orville and Sandra Pettersen are suspended as registrants under the Act for a period of five (5) years provided, however, that upon application to the Grain Inspection, Packers and Stockyards Administration, a supplemental order may be issued terminating this suspension at any time after the expiration of 180 days upon demonstration by the respondents that all unpaid livestock sellers have been paid in full. It is provided further that this order may be modified upon application to the Grain Inspection, Packers and Stockyards Administration to permit respondents Orville and Sandra Pettersen's employment by a

registrant or packer after the expiration of the 180 day period of suspension upon demonstration of circumstances warranting modification of the order.

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

Copies of this decision shall be served upon the parties.

*Orville L. Pettersen*  
ORVILLE L. PETERSEN  
Respondent

*Sandra K. Pettersen*  
SANDRA K. PETERSEN  
Respondent

*Jane McCarvitt*  
JANE MCCAIVITT  
Attorney for Complainant

Issued this 20 day of Nov. 1998

*John A. Bent*  
Administrative Law Judge