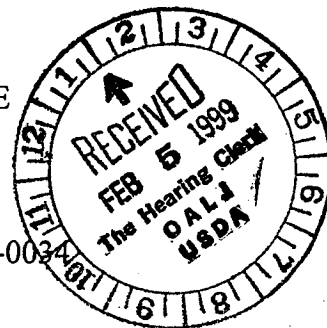


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P & S Docket No. D-98-003
)
)
Press Harmon (Andy) Andrews)
d/b/a AA Livestock)
)
) Decision Without Hearing
) By Reason Of Default
)
Respondent)

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 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 August 29, 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. Press Harmon (Andy) Andrews, hereinafter referred to as the Respondent, is an individual doing business as AA Livestock in the State of Alabama. His business mailing address is 6461 Eddins Road, Dothan, AL 36301.

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

(a) Engaged in the business of buying and selling livestock in commerce for his own account, and buying livestock in commerce on a commission basis; 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 to buy livestock on a commission basis.

3. Respondent, in connection with his operations subject to the P&S Act, on or about the dates and in the transactions set forth in paragraph II(a) in the Complaint, purchased livestock and in purported payment issued checks which were returned unpaid by the bank upon which they were drawn because Respondent did not have sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented.

4. Respondent, in connection with his operations subject to the Act, on or about the dates and in the transactions listed in paragraph II(a) & (b) of the complaint and on other occasions, purchased livestock and failed to pay, when due, the full purchase price of such livestock.

5. As of August 8, 1998, there remained an outstanding balance for livestock purchases in the amount of \$10,723.79.

Conclusions

By reason of the facts found in the Findings of Fact herein, Respondent has willfully

violated sections 312(a) & 409 of the P&S Act (7 U.S.C. § 213 (a) & 228 (b)).

Order

Respondent, Press Harmon (Andy) Andrews, his agents, employees, directly or indirectly through any corporate device, in connection with his operations subject to the Packers and Stockyards Act, shall cease and desist from:

1. Issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which such checks were 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.

Respondent Press Harmon Andrews is suspended as a registrant under the P&S Act for a period of 5 years. Provided, however, that upon application to the Packers and Stockyards Administration, GIPSA, a supplemental order may be issued terminating the suspension of the Respondent at any time after the expiration of the initial 120 days upon demonstration by the Respondent that the livestock sellers identified by the complaint in this proceeding have been paid in full, and provided further that this order may be modified upon application to the Packers and Stockyards Programs to permit the salaried employment of Respondent by another registrant or packer after the expiration of the initial 120 days of this suspension term and 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 order on the Respondent.

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 of this decision shall be served upon the parties.

Done at Washington, D.C.
this 5th day of February 1999


Administrative Law Judge