

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USDA
CALIFORNIA
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In re:) P. & S. Docket No. D-00-0005
)
Rod Suhr,)
)
Respondent) Decision

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This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (hereinafter referred to as the "Act") by a complaint filed by the Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent willfully violated the Act and regulations. An amended complaint was subsequently filed alleging additional wilful violations. 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 amended 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 Rod Suhr, hereinafter referred to as Respondent, is an individual whose business mailing address is 1504 East 18th Street, Atlantic, Iowa 50022.
2. Respondent was at all times material herein:
 - (a) Engaged in business as a dealer, buying and selling livestock for his own account, and as a market agency, buying on commission; 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.

Conclusions

As Respondent admits the jurisdictional facts and the parties agree to the entry of this decision, this decision will be entered.

Order

Respondent Rod Suhr, 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:

1. Engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act and its regulations, without filing and maintaining an adequate bond or its equivalent, as required by the Act and the regulations;
2. Failing to pay the full purchase price of livestock; and
3. Failing to pay, when due, the full purchase price of livestock.

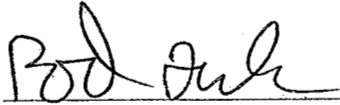
Respondent is suspended as a registrant under the Act for five years, and thereafter until he obtains the required bond or approved bond equivalent. Upon application to Packers and Stockyards Programs, GIPSA, a supplemental order may be issued terminating Respondent's suspension at any time after ^{180 RS EP}~~360~~ days upon demonstration that all unpaid sellers have been paid in full and that the required bond or approved bond equivalent has been obtained; and, provided further, that this suspension may be modified upon application to Packers and Stockyards Programs, GIPSA, to permit his salaried employment by another registrant or packer after the

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expiration of ~~90~~ days upon demonstration of circumstances warranting modification of the

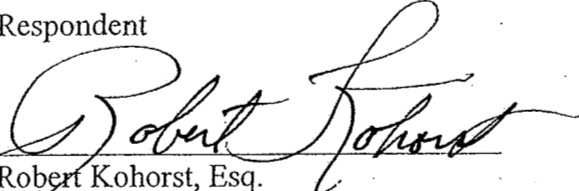
Order.

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

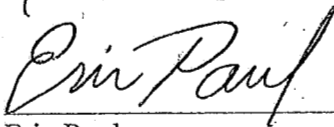
Copies of this decision shall be served upon the parties.



Rod Suhr
Respondent

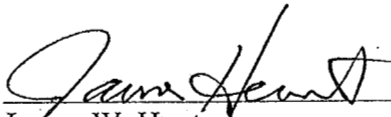


Robert Kohorst, Esq.
Attorney for Respondent



Eric Paul
Attorney for Complainant

Issued this 8th day of February, ~~2001~~ ²⁰⁰²



James W. Hunt
Chief Administrative Law Judge