

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

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

Conclusions

The Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondent Dennis D. Osburn, and his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Failing to pay the full purchase price of livestock;
2. Failing to pay, when due, the full purchase price of livestock;
3. 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; and
4. Engaging in any activity subject to the Act while Respondent's financial condition does not meet the requirements of the Act.

Respondent Dennis D. Osburn is hereby suspended as a registrant under the Act for a period of five (5) years, and thereafter until the insolvency is corrected. Provided, however, that upon application to the Packers and Stockyards Programs a supplemental order terminating the suspension may be issued at any time after the expiration of 230 days upon demonstration by

Respondent that all unpaid livestock sellers identified in the complaint have been paid in full and upon demonstration that Respondent is no longer insolvent; 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 230 days 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.

Copies of this decision shall be served upon the parties.

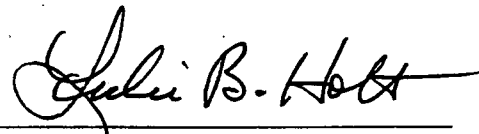


Dennis D. Osburn



David A. Richman
Attorney for Complainant

Issued this 25th day of November, 2003



Administrative Law Judge