

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

2004 MAY 27 P 2

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In re:)	P & S Docket No. D-04-000
Curtis W. Minzenmayer,)	
Respondent)	Consent Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), hereinafter the "Act", by a complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture alleging that the Respondent has willfully violated the Act. This decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted By the Secretary Under Various Statutes (hereinafter the "Rules of Practice"). See 7 C.F.R. § 1.138.

Respondent admits the jurisdictional allegations in paragraph I of the 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. Curtis W. Minzenmayer, referred to herein as the "Respondent," is an individual whose business mailing address is 2400 Arrowhead, Apt. 243, Abilene, Texas 79604.
2. The Respondent 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

(b.) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

ORDER

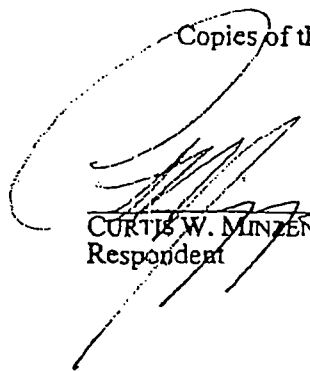
Respondent Minzenmayer, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which the checks are drawn to pay the 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 Minzenmayer is hereby suspended as a registrant under the Act for a period of forty-two days.

The provisions of this order shall become effective on the sixth (6th) day after service of this Order on Respondent.

Copies of this decision and order shall be served upon the parties.


 5-20-04
 CURTIS W. MINZENMAYER
 Respondent


 CHARLES E. SPICKNALL
 Attorney for Complainant

Issued in Washington D.C.
this 27th day of MAY, 2004


 Administrative Law Judge