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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re) P. & S. Docket No D-05-0002
Harry Floyd Livestock, Inc.)
and Harry Floyd,)
Respondents) 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, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondents have wilfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*). 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).

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.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Harry Floyd Livestock, Inc., hereinafter referred to as the Corporate Respondent, is a Tennessee corporation whose business mailing address is P.O. Box 189, Waynesboro, TN 38485.

2. The Corporate Respondent is, and at all times material herein was.

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

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

3. Respondent Harry Floyd , hereinafter the Individual Respondent, is an individual whose business mailing address is P.O. Box 189, Waynesboro, TN 38485.

4. The Individual Respondent is, and at all times material herein was:

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

(b) President and 100 percent owner of the Corporate Respondent;

(c) The person who directed, managed and controlled the operations of the Corporate Respondent;

(d) President and 100 percent owner of Hardin County Stockyards, Inc., and of Tennessee Valley Livestock, LLC, two market agencies selling livestock on commission under the Act;

(e) A dealer and a market agency within the meaning of these terms under the Act and subject to the Act; and

(f) Not individually registered with the Secretary of Agriculture in any capacity under the Act.

Conclusions

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

Order

Respondents Harry Floyd Livestock, Inc., and Harry Floyd, their officers, directors, agents, employees, successors and assigns, directly or through any corporate or other device, in connection with their operations subject to the Act shall cease and desist from:

1. Failing to pay, within the time period required by the Act, the full purchase price of livestock; and
2. Holding checks issued in payment for livestock without either delivering or mailing such checks on the date of their issuance.

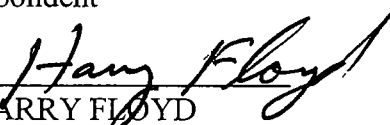
In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondents Harry Floyd Livestock, Inc., and Harry Floyd are jointly and severally assessed a civil penalty of \$25,000.

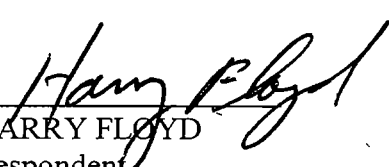
The provisions of this order shall become effective on the sixth day after service of this decision on the Respondents.

Copies of this decision shall be served upon the parties.

HARRY FLOYD LIVESTOCK, INC.
Respondent

by


HARRY FLOYD
President


HARRY FLOYD
Respondent

David Hooper
DAVID T. HOOPER
Attorney for Respondents

Eric Paul
ERIC PAUL
Attorney for Complainant

Issued this 24th day of May 2005
Peter M. Davenport
PETER M. DAVENPORT
Administrative Law Judge