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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:

Hughey P. (Bobby) Weyandt III, d/b/a	)	P. & S. Docket No. D-05-0012
Morrison's Cove Livestock Auction,	)	
Respondent	)	Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) by a complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent 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).

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. Hughey P. (Bobby) Weyandt, III, hereinafter referred to as Respondent, is an individual doing business as Morrison's Cove Livestock Auction whose mailing address is RD 2 Box 1148AA, Claysburg, PA 16625.

2. Respondent, at all times material herein, was:

(a) Engaged in the business of a market agency selling livestock in commerce on a commission basis; and of a dealer buying and selling livestock in commerce.

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

### Conclusions

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

### Order

Respondent Hughey P. (Bobby) Weyandt, III, his agents and employees, directly, doing business as Morrison's Cove Livestock Auction; 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:

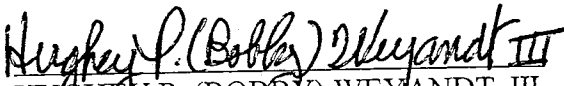
1. Failing to deposit in the Custodial Account for Shippers' Proceeds within the times prescribed in Section 201.42 of the regulations (9 C.F.R. §201.42) amounts equal to the outstanding proceeds receivable due from the sale of consigned livestock;
2. Failing to otherwise maintain the Custodial Account for Shippers' Proceeds in strict conformity with the provisions of Section 201.42 of the regulations (9 C.F.R. §201.42);

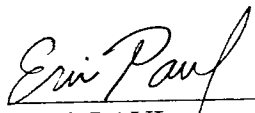
Respondent Hughey P. (Bobby) Weyandt, III, is assessed a civil penalty in the amount of Two Thousand Nine Hundred dollars (\$ 2,900.00).

The provisions of 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.

  
HUGH P. (BOBBY) WEYANDT, III  
Respondent

  
ERIC PAUL  
Attorney for Complainant

Issued this 8th day of June, 2003

  
Administrative Law Judge