

A. Christian
J. Butler

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Lamar Delmas,
Respondent

P&S Docket No D-08-0014

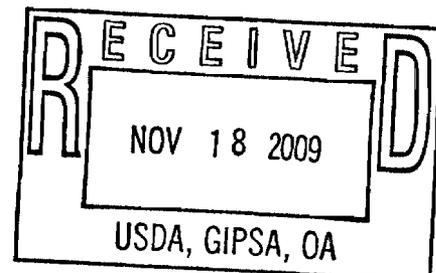
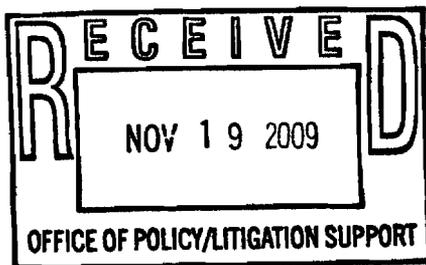
Decision Without Hearing
by Reason of Consent

Preliminary Statement

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) (“Act”), by a Complaint filed November 8, 2007, by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondent willfully violated the Act and Regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.) (“Regulations”). This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes 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.



cc: Brett

Findings of Fact

1. Lamar Delmas (“Respondent”) is an individual, whose mailing address is PO Box 267, Escatawpa, MS 39552.
2. Respondent is, and at all times material to this Decision was:
 - a. Engaged in the business of buying and selling livestock in commerce for his own account, of buying livestock as the agent of a purchaser, and of buying livestock in commerce on a commission basis; 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 a commission basis and to provide clearing services.

Conclusions

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

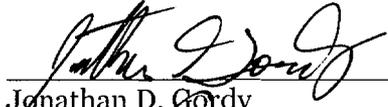
Order

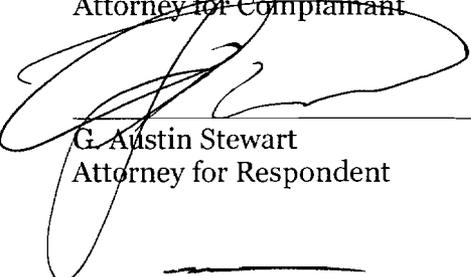
Respondent, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from:

1. Issuing checks in payment of livestock purchases without having and maintaining sufficient funds on deposit and available in the account upon which the checks are drawn to pay the checks when presented; and
2. Failing to pay, when due, the full purchase price of livestock.

Respondent is suspended as a registrant under the Act for 7 years, provided, however, that upon application of the Packers and Stockyards Administration, a supplemental order may be issued terminating the suspension after 240 days upon Respondent's demonstration that all unpaid livestock sellers have been paid in full. Further, this order may be modified upon application to Packers and Stockyards Program to permit Respondent's salaried employment by another registrant or a packer after the expiration of 180 days of suspension, upon demonstration of circumstances warranting modification of the order.

The provisions of this order shall become final and effective on issuance.


Jonathan D. Gordy
Attorney for Complainant


G. Austin Stewart
Attorney for Respondent


Lamar Delmas
Respondent

Done at Washington, D.C.

this 17th day of November, 2009


Administrative Law Judge