

USDA  
OALJ/OHC

2012 AUG -1 PM 12: 42

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P&S Docket No. D-12-0245
	)	
Steven Demarest, Brenda	)	
Demarest, P. Scott Baldwin,	)	
and Deborah Baldwin, d/b/a	)	
Wyalusing Livestock Market	)	
	)	
	)	
Respondents	)	Consent Decision

This is a disciplinary proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), instituted by a Complaint filed by the Deputy Administrator of Packers and Stockyards Program on February 21, 2012.

Complainant and Respondents have now agreed to entry of this Decision, without hearing or further procedure, pursuant to the consent decision provisions of the Rules of Practice governing proceedings under the Act (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.

Findings of Fact

1. Respondents Steven Demarest, Brenda Demarest, P. Scott Baldwin, and Deborah Baldwin are individuals doing business as Wyalusing Livestock Market, a partnership, whose business mailing address is P.O. Box 794, Wyalusing, PA 18853.

2. At all times material to the allegations in the Complaint, Respondents were:

- 1. Engaged in the business of a market agency selling consigned livestock in commerce on a commission basis; and
- 2. Registered with the Secretary of Agriculture as a market agency to sell livestock in commerce on a commission basis.

Conclusions

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

Order

Respondents and their agents and employees, directly, or through any corporate or other device, in connection with their activities 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 time prescribed by section 201.42 of the regulations (9 C.F.R. § 201.42), amounts equal to the proceeds received or due from the sale of consigned livestock; and
- 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).

Respondents shall keep and maintain accounts, records, and memoranda which fully and accurately disclosed the true nature of their operations subject to the Act, including, but not limited to, custodial account reconciliations with outstanding check lists.

Pursuant to section 312(b) (7 U.S.C. § 213(b)), Respondents are jointly and severally assessed a civil penalty in the amount of ten thousand dollars (\$10,000) of which eight thousand dollars (\$8,000) shall be held in abeyance provided that Respondents fully comply with the cease and desist provisions of this Order for a period of one year.

Payment of the civil penalty not held in abeyance, in the amount of two thousand dollars (\$2,000), shall be made by check or money order made payable to the "U.S. Department of Agriculture." Respondents are directed to note the docket number of this case on the payment instrument. Payment shall be sent to: USDA GIPSA, PO Box 790335, St. Louis, Missouri 63179-0335.

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

Copies of this Decision and Order shall be served on the parties.

  
STEVEN DEMAREST  
Respondent

  
BRENDA DEMAREST  
Respondent

JUL-29-2012 07:40

*P. Scott Baldwin*

**P. SCOTT BALDWIN**  
Respondent

*Deborah Baldwin*

**DEBORAH BALDWIN**  
Respondent

*Charles Spicknall*

**CHARLES SPICKNALL**  
Attorney for Complainant

Issued in Washington D.C.

this 1st day of August, 2012

*Janice K. Bullard*

**ADMINISTRATIVE LAW JUDGE**

JANICE K. BULLARD

TOTAL P.05

r.d

0000000000

p.6

5705530236

JUL 30 12 09:54a Brenda Demarest