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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P&S Docket No. 13-0183
)	
Don Harris Buying Station, Inc.,)	
Don Harris and Nancy Harris.)	
)	
Respondents)	Consent Decision and Order

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 Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that respondents Don Harris Buying Station, Inc., Don Harris and Nancy Harris willfully 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 provision of the rules of practice applicable to this proceeding (7 C.F.R. § 1.138).

The 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.

The complainant agrees to the entry of this decision.

Findings of Fact

1. (a) Don Harris Buying Station, Inc., referred to herein as the corporate respondent, is a corporation organized and existing under the laws of the State of Idaho, with a business mailing address of 30 S. 350 W, Jerome, Idaho 83338.

(b) The corporate respondent, at all times material herein was:

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

(2) 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.

2. (a) Respondent Don Harris is an individual whose business mailing address is 30 S. 350 W, Jerome, Idaho 83338.

(b) Respondent Don Harris, at all times material herein was:

(1) President and owner of 50% of the corporate respondent;

(2) In conjunction with Respondent Nancy Harris, responsible for the direction, management and control of the corporate respondent; and

(3) A dealer within the meaning of and subject to the provisions of the Act.

3. (a) Respondent Nancy Davis is an individual whose business mailing address is 30 S. 350 W, Jerome, Idaho 83338.

(b) Respondent Nancy Harris, at all times material herein was:

(1) Vice-President and owner of 50% of the corporate respondent;

(2) In conjunction with Respondent Don Harris, responsible for the direction, management and control of the corporate respondent; and

(3) A dealer within the meaning of and subject to the provisions of the Act.

Conclusions

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

Order

Respondents Don Harris Buying Station, Inc., Don Harris and Nancy Harris, their agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from:

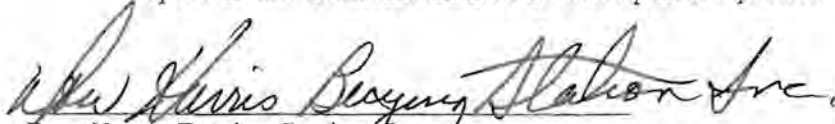
- (1) Purchasing livestock and failing to pay for such livestock purchases the full amount of the purchase price within the time period required by the Act, as required by section 409 of the Act (7 U.S.C. § 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43); and
- (2) Issuing checks in payment for livestock without having and maintaining sufficient funds on deposit and available in the accounts upon which they are drawn to pay such checks when presented.

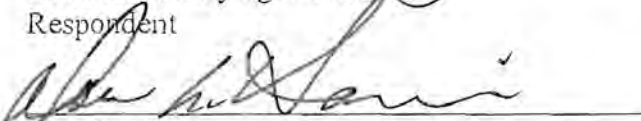
In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondents are assessed a civil penalty in the amount of seventeen thousand five hundred dollars (\$17,500.00). Fifteen thousand dollars (\$15,000.00) of this civil penalty will be held in abeyance, provided that respondents comply with the cease and desist provisions set forth above, and the payment of \$2,500.00 as set forth in this Consent Decision and the terms of the "Understanding Regarding

Consent Decision" entered between the parties. The \$15,000 held in abeyance will be set aside upon successful compliance with the terms of this Order and the "Understanding Regarding Consent Decision."


This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective on the sixth (6th) day after service of this consent decision and order on the respondents.

Copies of this decision shall be served upon the parties.


Don Harris Buying Station, Inc.
Respondent


Don Harris
Respondent


Nancy Harris
Respondent


Brent T. Robinson, Esq.
Attorney for Respondent


Rick D. Herndon
Attorney for Complainant

Done at Washington, D.C.

this 13th day of May, 2013


Administrative Law Judge

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P&S Docket No. 13-0183
)	
Don Harris Buying Station, Inc.,)	
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UNDERSTANDING REGARDING RESTITUTION AND CIVIL PENALTY

In this proceeding under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*), Respondents Don Harris Buying Station, Inc., Don Harris and Nancy Harris, agree to the terms of this Understanding Regarding Consent Decision (“Understanding”) for the purpose of resolving this case by consent without hearing or further procedure, pursuant to section 1.138 of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138). Respondents expressly waive all further procedure in the above-captioned case.

Respondents agree to entry of the Consent Decision and Order (Consent Decision) attached hereto and agrees to pay a civil penalty of \$17,500.00, of which \$15,000 will be held in abeyance, provided that respondents comply with the Consent Decision and satisfy the following payment terms:

1. Respondents will make a \$2,500 payment of their civil penalty by check sent by overnight mail, together with a signed copy of the Consent Decision and this Understanding, to:

Rick D. Herndon
Counsel for Complainant
Office of the General Counsel, U.S. Department of Agriculture
Room 2319, South Building,
1400 Independence Avenue SW
Washington, DC 20250

2. Respondents assert in their answer to the complaint that Respondents have made restitution in the amount of \$23,623.03 of the \$40,233.97 alleged to be owed in the Complaint and that the balance owed to the sellers, as of the date of their signing this Agreement, is \$16,610.94. Within 20 days of the effective date of the Consent Decision, Respondents shall provide written proof of the restitution of the \$23,623.03 asserted in the answer to the complaint to Brett Offutt, Director, Policy and Litigation Division, Packers and Stockyards Program, GIPSA, at 1400 Independence Ave, S.W. Room 2507-S, STOP-3646, Washington, D.C., 20250-3646. Within one year of the effective date of the Consent Decision, Respondents shall pay in full the balance of \$16,610.94 owed to the sellers (i.e. \$2,819.53 to Ted Miller Dairy; \$1,021.96 to Mid-Valley Dairy; \$446.93 to Dugan Dairy; \$9,137.68 to Aardema Dairy and \$3,184.84 to Silva Dairy) and shall provide written proof of the restitution to Kraig Roesch, Regional Director, Western Regional Office, Packers and Stockyards Program at the following address: USDA, GIPSA, P&SP, 1 Gateway Center, 3950 Lewiston, Suite 200, Aurora, Colorado 80011. Proof of restitution must include, but is not limited to, the following: (1) a copy of a cancelled check(s) along with a copy of the bank statement(s) showing funds were debited from the account for the full amount of the funds owed or (2) an affidavit or declaration from each seller stating receipt of the full

amount owed to the seller. Any such statement, affidavit, or declaration should indicate the payment type, check numbers (if paid by check), the payment amounts, and the dates that each payment was made. In its sole discretion, the Packers and Stockyards Program may verify any restitution payments claimed by Respondents.

- 3. If respondent fails to comply in any way with the Consent Decision or Understanding, any unpaid portion of the seventeen thousand five hundred dollar (\$17,500.00) civil penalty imposed in the Consent Decision will become immediately due and payable.



 Don Harris Buying Station, Inc.
 Respondent

4-30-13

 Date



 Don Harris
 Respondent

4-30-13

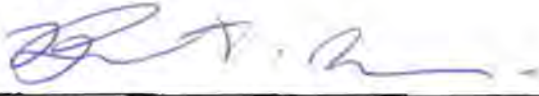
 Date



 Nancy Harris
 Respondent

4-30-13

 Date



 Brent T. Robinson
 Attorney for Respondent

5/3/13

 Date



 Rick D. Herndon
 Attorney for Complainant

5/8/13

 Date



DON L. OR NANCY L. HARRIS
30 SOUTH 350 WEST PH. 208-324-5860
JEROME, ID 83338

92-250/1241

2849

DATE 4-26-13

PAY TO THE ORDER OF

Treasurer of the United States \$ 2500.00
Two thousand five hundred and 00/100 DOLLARS



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TRADITION 50

MEMO

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Nancy Harris

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