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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-06-0009
James T. Harmon, d/b/a.,)
J.H. Cattle Company,)
Respondent) Consent 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, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture alleging that Respondent has willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture. This Decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted By the Secretary Under Various Statutes (hereinafter the "Rules of Practice"). *See* 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 Complaint 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. James T. Harmon, doing business as J.H. Cattle Company, referred to herein as "Respondent," is an individual whose business mailing address is 5121 N. Norris Street, Clovis, New Mexico 88101. Respondent's current mailing address is c/o Respondent's attorney, Richard

L. Hanna, Esq., Lynch, Hanna, & Boyd, PLLC, 500 South Taylor Street, Suite 501, Amarillo, Texas 79101.

2. At all times material herein, Respondent Harmon was:
 - (a) Engaged in the business of buying and selling livestock in commerce for his own account; and
 - (b) Registered with the Secretary of Agriculture as a livestock dealer.

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 James T. Harmon, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which the checks are drawn to pay the checks when presented;
2. Failing to pay, when due, the full purchase price of livestock;
3. Failing to pay the full purchase price of livestock; and
4. Engaging in any business in commerce in any capacity for which registration and bonding is required under the Packers and Stockyards Act and the regulations promulgated thereunder without renewing his registration and maintaining a reasonable bond or its equivalent as required under the Act and regulations.

Respondent shall keep accounts, records and memoranda that fully and correctly disclose all transactions involved in his business subject to the Packers and Stockyards Act. Specifically, Respondent shall keep livestock purchase and sales invoices, contracts, credit agreements, journals, load make up sheets, scale tickets and trucking or freight records.

Respondent is hereby suspended as a registrant under the Act for a period of five (5) years. *Provided*, however, that upon application to Packers and Stockyards Program a supplemental order may be issued terminating the suspension of Respondent's registration at any time after 150 days upon demonstration by Respondent that he is in full compliance with the Act; and *provided further*, that this Order may be modified upon application to Packers and Stockyards Program to permit the salaried employment of Respondent by another registrant or packer after the expiration of the initial 150 days of this suspension term upon demonstration of circumstances warranting modification of the Order.

The provisions of this Order shall become effective on the sixth (6th) day after service of this Order on Respondent.

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


JAMES T. HARMON
Respondent


CHARLES E. SPICKNALL
Attorney for Complainant

Issued in Washington D.C.
this 7th day of November, 2006


ADMINISTRATIVE LAW JUDGE