

USDA
7/1/10
12 PM 2:36
RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-08-0020
)
John Rife,)
)
Respondent) Decision Without Hearing By Reason Of
) Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (hereinafter referred to as the "Act"), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent has willfully violated the Act and the regulations issued thereunder (9 C.F.R. § 201.1 et seq.) (hereinafter referred to as the "regulations"). 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. Respondent is an individual whose business mailing address is 10075 Highway 59, Oswego, Kansas 67356.
2. Respondent was at all times material herein:
 - (a) Engaged in the business of a dealer, buying and selling livestock for his own account; and
 - (b) Registered with the Secretary of Agriculture as a dealer, buying and selling livestock for his own account and as a market agency, buying on commission.

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

1. Failing to pay the full purchase price for livestock purchases; and
2. Issuing checks in purported payment for the purchase of livestock, that are returned unpaid by the bank upon which they are drawn because Respondent does not have and maintain sufficient funds on deposit and available in the account upon which the checks are drawn to pay such checks when presented.

Respondent is 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

ADR
200
cy

order may be issued terminating the suspension at any time after ~~300~~ days, upon demonstration of circumstances warranting modification of the original order. 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 200 days of this suspension term and upon demonstration of circumstances warranting modification of the order.

The provisions of this order shall become effective immediately upon service of this order on Respondent.

Copies of this decision shall be served upon the parties.



John Rife
Respondent

10-15-08

Date



Christopher Young
Attorney for Complainant

10/24/08

Date

Issued this 19th day of
December, 2008



Marc R. Hillson
Administrative Law Judge