

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) P. & S. Docket No. D-07-0056  
)  
Douglas Clemens, d/b/a )  
Monticello Livestock Sales )  
)  
Respondent ) Decision Without Hearing  
) By Reason of Consent

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, United States Department of Agriculture, alleging that the Respondent wilfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (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).

Respondent Douglas Clemens 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.

The Complainant agrees to the entry of this decision.

### Findings of Fact

1. Douglas Clemens, hereinafter referred to as the Respondent, is an individual doing business as Monticello Livestock Sales, with a mailing address of 2446 Driscoll Road, Bernard, Iowa 52032.

2. Respondent, at all times material herein, was:

(a) Engaged in the business of a market agency selling livestock in commerce on a commission basis;

(b) Engaged in the business of a dealer buying and selling livestock in commerce for his own account or the account of others; and

(c) Registered with the Secretary of Agriculture as a market agency to sell livestock in commerce on a commission basis.

### 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 Douglas Clemens, his agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from:

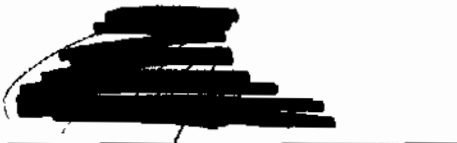
1. Using funds received as proceeds due from the sale of livestock sold on a commission basis for purposes of his own or for any purpose other than the payment of lawful marketing charges and the remittance of net proceeds to the consignors of livestock;
2. Failing to otherwise maintain his Custodial Account for Shippers' Proceeds in strict conformity with the provisions of Section 201.42 of the regulations (9 C.F.R. § 201.42);
3. Failing to pay the full purchase price of livestock;
4. Failing to pay, when due, the full purchase price of livestock; and
5. Engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act, as amended and supplemented, and the regulations, without filing and maintaining an adequate bond or its equivalent, as required by the Act and the regulations.


In accordance with 7 U.S.C. § 204, the registration of Respondent Douglas Clemens is suspended for a period of five (5) years. *Provided*, however, that upon application of Respondent to Packers and Stockyards Program a supplemental order may be issued terminating the suspension of Respondent at any time after 365 days, upon demonstration by Respondent that he has a bond or bond equivalent and of circumstances warranting the termination. 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 90 days of suspension, upon demonstration of circumstances warranting modification of the order.

The provisions of this order shall become effective on the sixth day after service of this order on the Respondent.

Copies of this decision shall be served upon the parties.

  
Douglas Clemens

  
Todd Locher, Esq.  
Attorney for Douglas Clemens

  
Charles L. Kendall  
Attorney for Complainant

Issued this 6th day of June, 2008

  
Administrative Law Judge