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UNITED STATES DEPARTMENT OF AGRICULTURE 2002 NOV 18 P 4: 26

BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P & S Docket No. D-02-0007
)	
Ranger Auction Co., Inc.,)	
d/b/a Eastland Auction Co.,)	
and Ranger Auction Co.:)	
David L. Coan; and)	Decision as to Respondent
Laquetta J. Coan)	Ranger Auction Co., Inc.
)	
)	
Respondents)	

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 Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondents Ranger Auction Co., Inc., David L. Coan and Laquetta J. Coan willfully violated the Act and the regulations issued thereunder. This decision as to Respondent Ranger Auction Co., Inc. is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. §1.138).

Respondent Ranger Auction Co., Inc. admits the jurisdictional allegations in paragraph 1 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. Respondent Ranger Auction Co., Inc. is a Texas corporation whose business mailing address is P.O. Box 787, Eastland, Texas 76448.
2. Respondent Ranger Auction Co., Inc. was at all times material herein:
 - (a) Engaged in the business of operating Ranger Auction Co., a posted stockyard subject to the provisions of the Act, and also engaged in the business of operating Eastland Auction Co., a posted stockyard subject to the provisions of the Act,
 - (b) Engaged in the business of a market agency selling livestock on a commission basis; and
 - (c) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis.

Conclusions

Respondent Ranger Auction Co., Inc. having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondent Ranger Auction Co., Inc., its agents and employees, directly or through any corporate or other device, in connection with its activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Providing false information on Annual Reports required of Respondents under the Act, and submitted to the Packers and Stockyards Programs, GIPSA; and
2. Failing to maintain the custodial account in strict conformity with the provisions of Section 201.42 of the regulations (9 C.F.R. § 201.42); and from:

(a) Failing to deposit in the Custodial Account for Shippers' Proceeds (hereinafter referred to as the "custodial account"), within the times prescribed in section 201.42 of the regulations (9 C.F.R. § 201.42), amounts equal to the outstanding proceeds receivable due from the sale of consigned livestock;

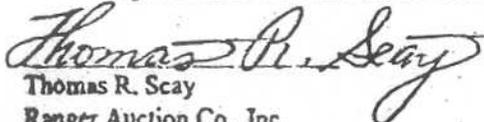
(b) Failing to reimburse the custodial account for purchases of livestock made from consignments by the Corporate Respondent;

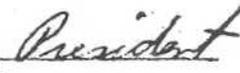
(c) Using funds received from the sale of consigned livestock for purposes of its own or for any purpose other than payment to consigners of the amount due from the sale of their livestock and the payment of lawful marketing charges.

Respondent Ranger Auction Co., Inc. is hereby suspended as a registrant under the Act for a period of twenty-one (21) days after the effective date of this order, and thereafter until Respondent demonstrates that the shortage in its custodial account has been eliminated.

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

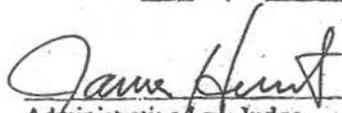
Copies of this decision shall be served upon the parties.


Thomas R. Scay
Ranger Auction Co., Inc.
Respondent


Title


David A. Richman
Attorney for Complainant

Issued this 18th day of November 2002


Administrative Law Judge