

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-02-0012
)
Larry C. Smith d/b/a Big Springs)
Cattle Company,)
) Decision Without Hearing
Respondent) 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 Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent 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. Larry C. Smith (hereinafter, "Respondent"), is an individual whose business mailing address is 38 Larry Smith Road, Lumberton, Mississippi 39455.

2. At all times material herein, Respondent also conducted business under the name of Big Springs Cattle Company (hereinafter, "Big Springs"), which was formerly a partnership consisting of Respondent and two others, but the partnership dissolved prior to the violations alleged in the complaint filed herein. The business mailing address of Big Springs is P.O. Box 72, Poplarville, Mississippi 39470.

3. Respondent was at all times material herein:

(a) Engaged in the business of a dealer, buying and selling livestock for his own account and the accounts of others; and

(b) Registered with the Secretary of Agriculture as a dealer to buy or sell livestock in commerce for his own account and the accounts of others.

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 Larry C. Smith, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from:

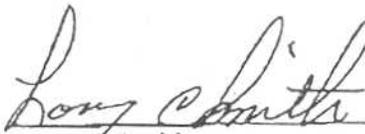
1. Failing to pay, when due, the full purchase price for livestock purchases;
2. Failing to pay the full purchase price for livestock purchases; and
3. Engaging in business subject to the Act while insolvent, i.e. while current liabilities exceed current assets.

Respondent is suspended as a registrant under the Act for a period of five (5) years and thereafter until he has demonstrated that he is no longer insolvent. Provided, however, that upon

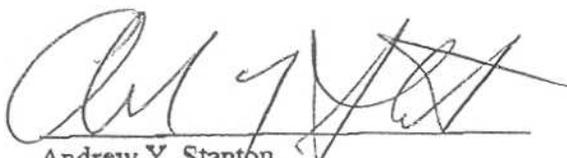
application to Packers and Stockyards Programs, a supplemental order may be issued terminating the suspension at any time after 150 days, upon demonstration that all livestock sellers or shippers identified in the complaint have been paid in full and Respondent is no longer insolvent. Provided, further, that this order may be modified upon application to Packers and Stockyards Programs to permit Respondent's salaried employment by another registrant or packer after the expiration of 150 days of this suspension term and upon demonstration of circumstances warranting modification of the order.

The provisions of this order shall become final and effective upon issuance.

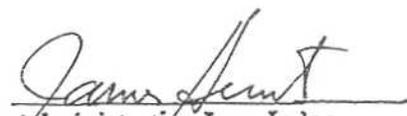
Copies of this decision shall be served upon the parties.


Larry C. Smith
Respondent


Richard C. Fitzpatrick
Attorney for Respondent


Andrew Y. Stanton
Attorney for Complainant

Issued this 22 day of
NOVEMBER, 2002


Administrative Law Judge