

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D-06-0002
)
)
) Larry K. Smeal, d/b/a)
) Fatted Calf Cattle Farms)
) 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 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 (9 C.F.R. § 201.1 et seq.), hereinafter the "regulations." This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (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 K. Smeal, doing business as Fatted Calf Cattle Farms, referred to herein as the "Respondent," is an individual whose business mailing address is 891 FM 316, Mabank, Texas 75147.

2. Respondent is and at all times material to the complaint was:

(a) Engaged in the business of buying and selling livestock in commerce for his own account and buying livestock on a commission basis for others; and

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce 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, the decision will be entered.

Order

Respondent Larry K. Smeal, doing business as Fatted Calf Cattle Farms, 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 engaging in the business of a market agency buying on a commission basis or a dealer buying or selling livestock in commerce without maintaining an adequate bond or its equivalent as required by Sections 201.29 and 201.30 of the regulations (9 C.F.R. §§201.29 & 201.30).

Respondent Larry K. Smeal is hereby suspended as a registrant under the Act for a period of one year.

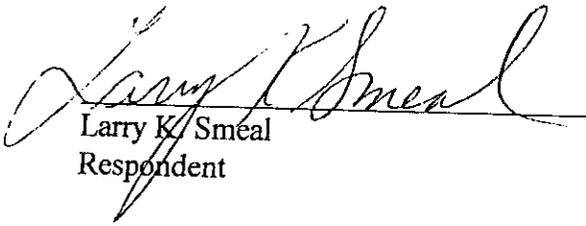
The provisions of this Order shall become final and effective on the sixth (6th) day after

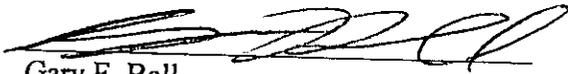
service upon Respondent.

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

Issued this 28th day of
July, 2006.


Administrative Law Judge


Larry K. Smeal
Respondent


Gary F. Ball
Attorney for Complainant