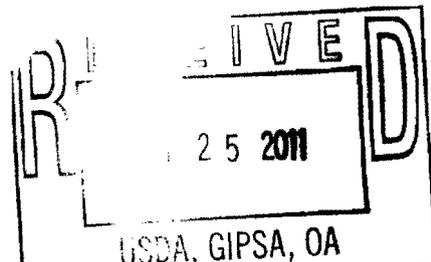


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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P & S Docket No. D-11-0325
Comanche Livestock)	
Exchange LLC, and)	
Michael Dean Cagle,)	
)	
Respondents)	Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.), (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 the Respondents willfully violated the Act. 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).

The Respondents admit the jurisdictional allegations in paragraph I of the Complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, 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. Comanche Livestock Exchange, LLC (Respondent Comanche Livestock Exchange) is a limited liability company organized and existing under the laws of the state of Texas. Its mailing address is: P.O. Box 117, Comanche, TX 76442.
2. Respondent Comanche Livestock Exchange is, and at all times material herein, was:

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- (1) A posted stockyard subject to the provisions of the Act;
- (2) Engaged in the business of a market agency, selling livestock on a commission basis; and
- (3) Engaged in the business of a dealer buying and selling livestock in commerce under the Act; and
- (4) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for its own account, and as a market agency selling livestock on commission.

3. Michael Dean Cagle (Respondent Cagle) is an individual. Respondent Cagle's business mailing address is identical to the address provided above for Respondent Comanche Livestock Exchange.

- (1) Respondent Cagle is, and at all times material herein, was:
 - (a) The one hundred percent owner of Respondent Comanche Livestock Exchange; and
 - (b) Responsible for the day-to-day management, direction, and control of Respondent Comanche Livestock Exchange.
 - (c) The alter ego of Respondent Comanche Livestock Exchange

Conclusions

The Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, the decision will be entered.

Order

1. The Respondents, their agents and employees, directly or through any corporate or other device, in connection with activities subject to the Act, shall cease and desist from:

a) failing to deposit in their Custodial Account for Shippers' Proceeds 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 maintain their Custodial Account for Shippers' Proceeds in strict conformity with section 201.42 of the regulations (9 C.F.R. § 201.42);

c) using funds received from the sale of consigned livestock for the payment of bank charges, or for any purpose other than payment to consignors of the amount due from the sale of their livestock and the payment of lawful marketing charges.

d) Engaging in business subject to the Act while current liabilities exceed current assets.

2. In accordance with section 312(b) of the Act (7 U.S.C. 213(b)), Respondents are assessed a civil penalty of \$13,000.00 to be paid in accordance with the Understanding Regarding Civil Penalty Terms executed by the parties.

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.

Issued in Washington D.C.

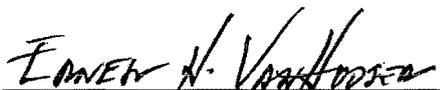
this 20th day of October, 2011

JANICE BULLARD

Janice K Bullard
Administrative Law Judge



Michael Dean Cagle,
Comanche Livestock Exchange LLC



Ernest Van Hooser,
Attorney for Respondents



Brian Sylvester, Esq.,
Attorney for Complainant