

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:

John Connery and
Mississippi Valley Livestock, Inc.,

Respondents

P. & S. Docket No. D-08-0023

Decision Without Hearing by
Reason of Consent

Preliminary Statement

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) (Act), by a Complaint filed August 7, 2007, by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondent willfully violated the Act. 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 applicable to this proceeding (7 C.F.R. § 1.138).

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. Respondent Mississippi Valley Livestock, Inc., is an Illinois corporation with a business mailing address of P. O. Box 55, East Dubuque, Illinois 61025, and a business address of 43 Roosevelt drive, East Dubuque, Illinois 61025.
2. Respondent Mississippi Valley Livestock, Inc., at all times material to this complaint was:
 - a. Engaged in the business of buying and selling livestock for its own account;
 - b. Registered with the Secretary of Agriculture as a dealer;
 - c. Registered with the Secretary of Agriculture to provide clearing services.
3. Respondent John Connery is an individual with a business mailing address of P.O. Box 55, East Dubuque, Illinois 61025, and whose business address is 43 Roosevelt Road, East Dubuque, Illinois 61025.
4. At all times material to this complaint, Respondent John Connery was:
 - a. President, Secretary, and owner of all the issued stock of Respondent Mississippi Valley Livestock, Inc., and responsible for the management, direction and control of the Respondent Mississippi Valley Livestock, Inc., and
 - b. Engaged in the business of buying and selling livestock for his own account.

Conclusions

Respondent Connery is the alter ego of Respondent Mississippi Livestock.

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

Order

Respondents, their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and desist from failing to pay the full amount of the purchase price for livestock within the time period required by the Act and the regulations promulgated under it.

Respondents, their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and desist from issuing checks for payment of livestock without maintaining sufficient funds on deposit and available in the accounts upon which the checks were drawn to pay the checks when presented.

Respondents are suspended as registrants under the Act for 5 years. Provided, however, after 3 years of active suspension, that upon application to the Packers and Stockyards Program, Respondent may request a supplemental order that permits the salaried employment of Respondent John Connery, or other modification of the suspension, based on facts and circumstances warranting modification.


The provisions of this order shall become final and effective on January 1, 2009.


Copies of this decision shall be served upon the parties.


Done at Washington, D.C.

this 15th day of January, 2008


John Connery, Respondent


Philip F. Jensen
Attorney for Respondent


Jonathan Gordy
Attorney for Complainant


Administrative Law Judge