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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

North Texas Horse Sales, LLP,
Respondent

P & S Docket No. D-07-0071

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 March 5, 2007, by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondent willfully violated the Act and regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). 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).

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. North Texas Horse Sales, LLP is a limited liability partnership organized and existing under the laws of Arkansas, whose business address is 10801 E. Hwy

82, Whitesboro, TX 76273 and whose mailing address is P.O. Box 647
Whitesboro, TX 76243.

2. Respondent at all times material to this complaint was:
 - a. Engaged in the business of a posted stockyard subject to the provisions of the Act, located in Whitesboro, Texas,
 - b. Engaged in the business of a market agency selling livestock in commerce 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 having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, the decision will be entered.

Order

Respondent, its 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 remit, when due, the full proceeds of the purchase price of consigned livestock.

Respondent shall keep records that fully and correctly disclose all transactions involved in its business, as required by section 401 of the Act (7 U.S.C. § 221), including voided checks, dated invoices, and a complete custodial account register with documentation to support transfers from the custodial account to the operating account.


In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of two thousand two hundred dollars (\$2,200).

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

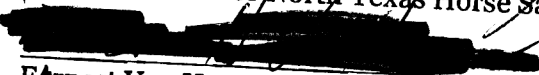
Copies of this decision shall be served upon the parties.

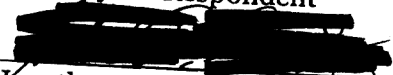
Done at Washington, D.C.

this 14th day of November, 2007


Administrative Law Judge


Representative for North Texas Horse Sales


Ernest Van Hooser
Attorney for Respondent


Jonathan D. Gordy
Attorney for Complainant