

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

USDA  
OFFICE  
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In re: ) P. & S. Docket No. D-07-0098  
Joplin Regional Stockyards, Inc., )  
Respondent ) Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), hereinafter “the Act”, by a Complaint filed by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondent wilfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (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. Joplin Regional Stockyards, Inc., referred to herein as Respondent, is a Missouri corporation whose principal place of business is at 10131 Cimarron Road, Carthage, MO 64836, and whose business mailing address P.O. Box 634, Carthage, Mo 64836.

2 Respondent is and at all times material herein was:

(a) Engaged in the business of conducting and operating Joplin Regional

Stockyards, a posted stockyard located in Carthage, Missouri, subject to the provisions of the P&S Act;

(b) Engaged in the business of conducting and operating Southwest Regional Stockyards, a posted stockyard located in Springfield, Missouri, subject to the provisions of the P&S Act;

(c) Engaged in the business of a market agency selling livestock on a commission basis; and

(d) 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, such decision will be entered.

#### Order

Respondent Joplin Regional Stockyards, Inc., its officers, directors, agents and employees, successors and assigns, directly or through any corporate or other device, in connection with its operations as a market agency selling on commission, shall cease and desist from:

1. Failing to maintain current assets that equal or exceed current liabilities;
2. Failing to deposit in the custodial account within the time prescribed in the regulations an amount equal to the proceeds receivable due from the sale of consigned livestock;
3. Failing to fully reimburse the custodial account by the close of the seventh day after each sale for uncollected proceeds receivable; and


4. Failing to maintain the custodial account in strict conformity with the provisions of section 201.42 of the regulations (9 C.F.R. §201.42).

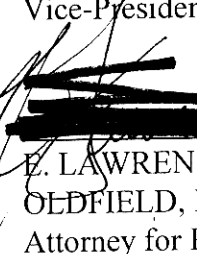

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of \$50,000.00.


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.


JOPLIN REGIONAL STOCKYARDS, INC.

By   
STEVE OWENS  
Vice-President

  
  
E. LAWRENCE OLDFIELD, ESQ.  
OLDFIELD, FOX & SARNA, P.C.  
Attorney for Respondent

  
ERIC PAUL  
Attorney for Complainant

Issued this 13<sup>th</sup> day of July, 2007

  
MARC R. HILLSON  
Chief Administrative Law Judge