

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USDA
OFFICE OF THE SECRETARY
WASHINGTON, DC 20250-1100
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In re:) P. & S. Docket No. D-07-0124
)
Lynn Bint d/b/a KO Cattle Co.)
)
Respondent)
) Consent Decision

This disciplinary proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.; hereinafter “Act”), by a Complaint filed on June 1, 2007, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (hereinafter “Complainant”), alleging that Respondent Lynn Bint, d/b/a KO Cattle Co., willfully violated the Act. The Consent Decision is entered pursuant to the consent decision provision (7 C.F.R. § 1.138) of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130-1.151; hereinafter “Rules of Practice”).

Respondent Lynn Bint, d/b/a KO Cattle Co., 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 Consent Decision.

Complainant agrees to the entry of this Consent Decision.

Findings of Fact

1. Lynn Bint, d/b/a KO Cattle Co. (hereinafter “Respondent”), is an individual whose business mailing address is P.O. Box 516-14114 C.R. 433, Merkel, Texas 79536.

2. Respondent at all times material herein was:
 - (a) Engaged in the business of buying and selling livestock in commerce as a dealer for his own account;
 - (b) Engaged in the business of a market agency buying livestock in commerce on a commission basis; and
 - (c) 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 to buy livestock in commerce on a commission basis.

Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this Consent Decision, such Consent Decision will be entered.

Order


Respondent, as an individual, and 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 failing to pay, when due, the full purchase price of livestock.

Respondent shall keep accounts, records, and memoranda that fully and correctly disclose all transactions involved in his business subject to the Act. Specifically, Respondent shall keep and maintain trucking and freight invoices, all livestock purchase and sale invoices, load make-up sheets, and records identifying individual cattle from purchase to sale as required by section 401 of the Act (7 U.S.C. § 221) and as more fully outlined in section 203.4 of the Statements of General Policy Under the Packers and Stockyards Act (9 C.F.R. § 203.4).

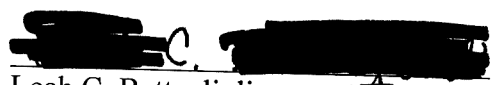
Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of One Thousand Five Hundred Dollars (\$1,500.00).

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective on the sixth (6th) day after service of this Order on Respondent.

Copies of this Consent Decision shall be served upon the parties.


Lynn Bin
Respondent


10/20/07
Date Signed


Leah C. Battaglioli
Attorney for Complainant

10/30/07
Date Signed

Issued in Washington, D.C.

this 30th day of October, 2007


Administrative Law Judge