

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D-08-0092
John Carl Stephens d/b/a)
Westbound Livestock,)
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. 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 [with modification as to current business address] 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. Respondent John Carl Stephens, hereinafter “Respondent”, is an individual known as Carl Stephens, who does business as Westbound Livestock, and whose current business address is 7797 Lake Seminole Road, Sneads, FL 32460.

2. Respondent is and at all times material herein was:

(a) Engaged in the business of a dealer, buying and selling livestock in

commerce for his own account.

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.

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 John Carl Stephens, directly, doing business as Westbound Livestock, or through any corporate or other device, in connection with his operations as a dealer, shall cease and desist from:

1. Failing to pay, within the time period required by the Act, the full purchase price of livestock;
2. Failing to pay the full purchase price of livestock; and
3. Issuing checks in purported payment of livestock purchases without having sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented.

Respondent John Carl Stephens is hereby suspended as a registrant under the Act for a period of five (5) years. Respondent shall be permitted to purchase livestock exclusively for Mercer Livestock, Inc., and for no other individual or firm, while he remains suspended. All of Respondent's livestock purchases must be made in the name of Mercer Livestock, Inc., be subject to Mercer Livestock's bond, and be paid for directly by Mercer Livestock, Inc. It is further provided, that upon application to the Packers and Stockyards Program a supplemental

order terminating the suspension may be issued upon demonstration by Respondent that he has completed full restitution to all unpaid livestock sellers identified in the Complaint pursuant to the agreed payment plan now in effect.

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.



JOHN CARL STEPHENS
Respondent



ERIC PAUL
Attorney for Complainant

Issued this 30 day of May, 2008



Administrative Law Judge

Jill S. Clifton