

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

2003-03-01 10:00 AM

In re:) P & S Docket No. D-03-0022
)
Lee Andrew Jarosek II, d/b/a,)
Joe Cattle Company,)
)
Respondent) Consent 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, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture alleging that the Respondent has willfully violated the Act. This decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted By the Secretary Under Various Statutes (hereinafter the “Rules of Practice”). See 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. Lee Andrew Jarosek II, doing business as Joe Cattle Company, referred to herein as the “Respondent” is an individual whose business mailing address is P.O. Box 181, Bastrop, Texas 78602.

2. The 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, a market agency buying livestock on a commission basis, and as a clearor for two separately registered dealers; and

(b.) Registered as an individual with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce, as a market agency to buy livestock on a commission basis, and as a clearor, providing clearing services.

ORDER

Respondent Lee Andrew Jarosek II, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which the checks are drawn to pay the checks when presented;

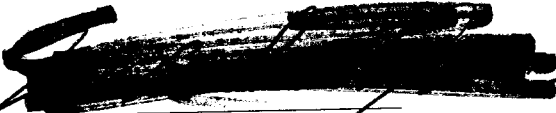
2. Failing to pay, when due, the full purchase price of livestock; and

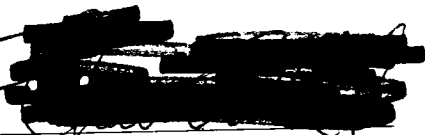
3. Failing to pay the full purchase price of livestock.

Respondent is hereby suspended as a registrant under the Act for a period of five years. Provided, however, that upon application to Packers and Stockyards Programs a supplemental order may be issued terminating the suspension of Respondent at any time after 180 days upon demonstration by Respondent of circumstances warranting such termination; and provided further, that this order may be modified upon application to Packers and Stockyards Programs to permit the salaried employment of Respondent by another registrant or packer after the expiration of the initial 180 days of this suspension term and upon demonstration of circumstances warranting modification of the order.

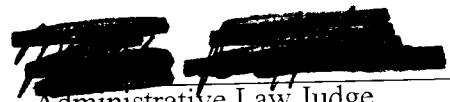
The provisions of this order shall become effective on the sixth (6th) day after service of this Order on Respondent.

Copies of this decision and order shall be served upon the parties.


LEE ANDREW JAROSEK II
Respondent


CHARLES E. SPICKNALL
Attorney for Complainant

Issued in Washington D.C.
this 7th day of May, ~~2003~~ ²⁰⁰⁴


Administrative Law Judge