

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D-08-0017
Joe W. Cooper,)
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 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. Respondent Joe W. Cooper, hereinafter “Respondent”, is an individual whose business address is Box 162, McCaulley, Texas 75934.
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, and of a market agency buying livestock in commerce on a commission basis.
 - (b) Not registered with the Secretary of Agriculture as a dealer to buy and sell

livestock in commerce for his own account or as a market agency buying livestock in commerce 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

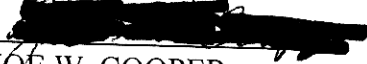
Respondent Joe W. Cooper, his agents and employees, directly or through any corporate or other device, in connection with his operations subject to the Packers and Stockyards Act, shall cease and desist from:

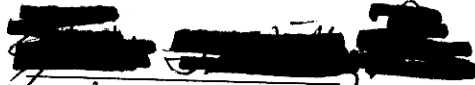
1. Failing to pay the full purchase price of livestock; and
2. Issuing checks in purported payment of livestock purchases without having sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented.


Respondent shall not be registered to engage in business as a dealer or market agency for five years, and pursuant to § 303 of the Act (7 U.S.C. § 203) is prohibited from operating as a dealer or market agency without being registered. Provided, that Respondent will be permitted to register as a dealer and/or market agency after this decision and order has been in effect for at least 200 days upon demonstration to the Packers and Stockyards Program that all livestock sellers named in the complaint have been paid.

The provisions of this Order shall become effective on the sixth day after service on Respondent.


Copies of this decision shall be served upon the parties.


JOE W. COOPER
Respondent


JACK G. WILLINGHAM
Attorney for Respondent


ERIC PAUL
Attorney for Complainant

Issued this 28 day of December 2007



Administrative Law Judge
Jill S. Clifton