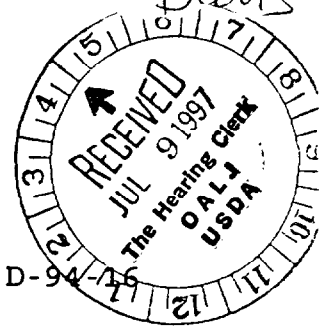


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P. & S. Docket No. D-94-46
)
Rickey Thompson d/b/a)
Thompson Cattle Co.,)
)
Respondent) Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §181 et seq.) by a complaint filed by the Administrator, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the financial condition of the respondent did not meet the requirements of the Act, and that respondent wilfully violated the Act. On October 21, 1996, an amended complaint was filed by the Acting Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration (GIPSA), which added new allegations that respondent wilfully violated the Act to the allegations previously asserted. 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).

The 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.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Rickey Thompson, doing business as Thompson Cattle Co., hereinafter referred to as the respondent, is an individual whose business mailing address is P.O. Box 222, Pitkin, Louisiana 70656.

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 or the account of others;

b. Engaged in the business of a market agency buying livestock on a commission basis; and

c. Registered as an individual with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy livestock in commerce on commission.

Conclusions

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondent Rickey Thompson, his agents and employees, directly or through any corporate device, in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from:

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

3. Issuing checks in payment for livestock without having and maintaining sufficient funds on deposit and available in the bank account upon which they are drawn to pay such checks when presented; and

4. Engaging in business subject to the Act while insolvent (while his current liabilities exceed his current assets).

Respondent Rickey Thompson shall keep and maintain accounts, records and memoranda which fully and correctly disclose the true nature of all transactions involved in his business subject to the Packers and Stockyards Act, including, but not limited to, (a) voided and insufficient funds checks; (b) copies of money orders; (c) an accounts receivable journal; (d) inventory records and (e) load make-up records.

Respondent Rickey Thompson is suspended as a registrant under the Act for a period of five (5) years and thereafter until he demonstrates that his current liabilities do not exceed his current assets. Provided, however, that upon application to the Packers and Stockyards Programs, GIPSA, a supplemental order may be issued terminating the suspension at any time after 35 days of the suspension are served upon demonstration by respondent that:

1. Respondent's current liabilities no longer exceed his current assets; and

2. All unpaid livestock sellers have been paid in full.

It is further provided that this suspension may be modified upon application to the Packers and Stockyards Programs, GIPSA, to permit respondent's employment, exclusively as a bona fide

salaried employee, by another registrant or packer after serving 35 days of the suspension upon demonstration of circumstances warranting modification of the order.

The respondent agrees to pay the \$5,000.00 outstanding balance of the civil penalty previously assessed against respondent in P. & S. Docket No. D-91-7 on or before July 1, 1997, by cashier's check or money order.

The provisions of this order shall become effective on the first day after entry.

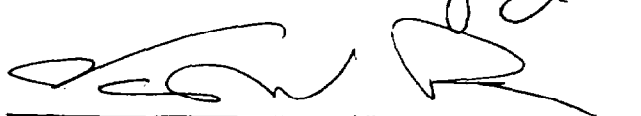
Copies of this decision shall be served upon the parties.



RICKEY THOMPSON
Respondent



ERIC PAUL
Attorney for Complainant

Issued this 9th day of July 1997


Administrative Law Judge