



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In Re:) P. & S. Docket D-95-14
)
Poplarville Stockyards, Inc.,)
M & J Cattle Company, Inc.,)
and Joe Mack Smith,)
) Decision with Respect
) to Respondent.
Respondents) M & J Cattle Co., Inc.

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) by a complaint and an amended complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the financial condition of neither of the corporate respondents Poplarville Stockyards, Inc. nor M & J Cattle Company, Inc. meets the requirements of the Act and that respondents have wilfully violated the Act and the regulations issued thereunder (9 C.F.R § 201.1 et seq.). 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, M & J Cattle Company, 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) Respondent M & J Cattle Company, Inc. hereinafter "respondent M & J", is, at all times material herein, was a corporation whose mailing address was P.O. Box 306, Poplarville, Mississippi 39470.

(2) Respondent M & J, at all times material herein, was:

(a) Engaged in the business of a dealer buying and selling livestock in commerce for its own account; and

(b) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce for its own account.

Conclusions

Respondent M & J having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondent M & J, its officers, directors, agents and employees, successors and assigns, directly or indirectly through any corporate or other device, shall CEASE and DESIST from:

(1) Engaging in business as a dealer or market agency while insolvent, that is, while current liabilities exceed current assets;

(2) Failing to pay, when due, the full purchase price of livestock.

The respondent M & J is SUSPENDED as a registrant under the Act for a period of twenty-eight days, and thereafter until respondent M & J demonstrates that its current liabilities no longer exceed its current assets

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.

Joe Mack Smith
President
M & J. CATTLE COMPANY, INC.
Respondent

Jane M Cavitt
JANE MCCAIVITT
Attorney for Complainant

Issued this day 12th day of November 1998

James W. Hunt
JAMES W. HUNT
Administrative Law Judge