



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. D-95-58
)
 Timothy Reece d/b/a)
 Reece Cattle Company)
)
 Respondent) Decision

This proceeding was instituted under the Packers and Stockyard Act (7 U.S.C. §181 et. seq.) by a complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection and Packers and Stockyards Administration, United States Department of Agriculture, alleging that the respondent willfully violated the Act. 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) Timothy Reece, hereinafter referred to as respondent Reece, is an individual doing business as Reece Cattle Company whose mailing address is P.O. Box 341, Overbrook, Kansas 66524.

(2) Respondent Reece is and at all times material herein was:

(a) Engaged in the business of buying livestock in commerce as a market agency on a commission basis; and

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

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 Timothy Reece, 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. Failing to pay, when due, the full purchase price of livestock.

Respondent Timothy Reece is hereby assessed a civil penalty in the amount of Five Thousand Dollars (\$5,000.00).

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.

Timothy Reece

Timothy Reece
Respondent

Kimberly D. Hart

Kimberly D. Hart
Attorney for Complainant

Issued this 3rd day of December, 1996

Dwight G. Baker

Administrative Law Judge