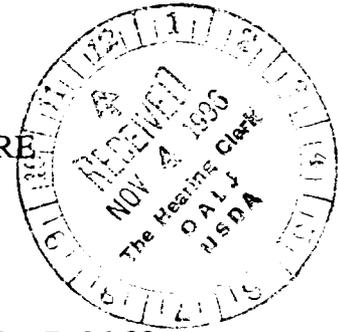


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P & S Docket No. D-96-39
)
)
Kenneth Ray Clark d/b/a)
B & B Angus Service)
)
)
Respondent)

DECISION WITHOUT HEARING
BY REASON OF DEFAULT

Preliminary Statement

This is a disciplinary proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.), herein referred to as the Act, instituted by a complaint filed by the Acting Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, charging that the respondent willfully violated the Act.

Copies of the complaint and the Rules of Practice (7 C.F.R. § 1.130 et seq.) governing proceedings under the Act were served upon respondent by regular mail after an attempt to serve respondent by certified mail was unsuccessful. Respondent was informed in a letter of service that an answer should be filed pursuant to the Rules of Practice and that failure to answer would constitute an admission of all the material allegations contained in the complaint.

Respondent has failed to file an answer within the time prescribed in the Rules of Practice, and the material facts alleged in the complaint, which are admitted by respondent's failure to file an answer, are adopted and set forth herein as findings of fact.

This decision and order, therefore, is issued pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Kenneth Ray Clark, hereinafter referred to as the respondent, is an individual whose business address is P.O. Box 7823, Louisville, Kentucky 40207.
2. The respondent, at all times material herein, was engaged in the business of a dealer buying and selling livestock in commerce for his own account.
3. The respondent at all times material herein was not registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.
4. Respondent, in connection with his operations subject to the Act and in the transactions set forth in paragraph II in the complaint, purchased livestock and failed to pay the full purchase price of such livestock.
5. As of April 8, 1996, there remained unpaid a total of \$2,394,945.00 for respondent's livestock purchases.

Conclusions

By reason of the facts found in Findings of Fact 3, 4, and 5 herein, respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) & 228b).

Order

Respondent Kenneth Ray Clark, 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 the full purchase price of livestock;
2. Failing to pay when due for livestock; and
3. Engaging in business in any capacity for which registration and bonding is required under the Packers and Stockyards Act, as amended and supplemented, and the regulations, without registering with the Secretary of Agriculture and filing an adequate bond or its equivalent, as required by the Act and the regulations.

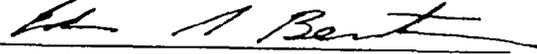
Respondent Kenneth Ray Clark shall not be registered to engage in business subject to the Act for a period of five (5) years and thereafter until the respondent becomes properly registered and bonded. Pursuant to section 303 of the Act (7 U.S.C. § 203), respondent is prohibited from engaging in business subject to the Act without being registered with the Secretary of Agriculture.

This decision shall become final and effective without further proceedings 35 days after the date of service upon the respondent, unless it is appealed to the Judicial Officer by a party to the proceeding within 30 days pursuant to section 1.145 of the Rules of Practice (7 C.F.R. § 1.145).

Copies hereof shall be served upon the parties.

Done at Washington, D.C.

this 4 day of November 1996


Administrative Law Judge