

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE 2003 SEP -4 A 11:48

In re:)	P. & S. Docket No. D-02-0021
Rickey Thompson and Justin Thompson)	RECEIVED
d/b/a Rick Thompson Livestock)	
and JT Cattle,)	
)	
Respondents)	

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 JoAnn Waterfield, Deputy Administrator, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondent Rickey Thompson wilfully violated the Act. This complaint was subsequently amended to add Justin Thompson as a Respondent, and to expand the alleged allegations of wilful violation. 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).

Respondents admit the jurisdictional allegations in paragraph I of the amended complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, 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 Rickey Thompson, doing business as Rick Thompson Livestock and JT Cattle, hereinafter referred to as Respondent Rickey Thompson, is an individual whose business mailing address is P.O. Box 129, Pitkin, Louisiana 70656-0129.

2. Respondent Rickey Thompson 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

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

3. Respondent Justin Thompson, hereinafter referred to as Respondent Justin Thompson, is an individual whose business mailing address is P.O. Box 129, Pitkin, Louisiana 70656-0129.

4. Respondent Justin Thompson 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

(b) Not registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

Conclusions

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

Order

Respondents Rickey Thompson and Justin Thompson, their agents and employees, directly or through any corporate or other device [including the trade names Rick Thompson Livestock and JT Cattle], in connection with their operations subject to the Packers and Stockyards Act, shall cease and desist from:

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

3. Paying for livestock in any time or manner other than as specifically required by subsection 409(a) of the Act, without obtaining prior to the livestock purchase a written agreement specifying the time and method of payment agreed to in accordance with subsection 409(b) of the Act;

4. Issuing checks in payment for livestock purchases without having sufficient funds on deposit and available in the account on which the checks are drawn to pay such checks when presented;

5. Purchasing livestock under any trade name other than Rick Thompson Livestock without first registering or obtaining an amendment of the registration which approves the use of the new trade name; and

Respondents shall keep and maintain under the trade name Rick Thompson Livestock or such other trade name as may subsequently be approved and registered under the Act, accounts, records and memoranda which fully and correctly disclose all transactions involved in their business subject to the Act, including, but not limited to load make-up records that permit the tracing of dealer livestock from purchase through resale.

Respondent Rickey Thompson is suspended as a registrant for the period of five years, provided that the final four year period of this suspension shall be held in abeyance and will not become effective unless Complainant demonstrates that Respondent Rickey Thompson has operated subject to the Act during the first year of this five year suspension period.

During the period that his suspension is effective, Respondent Rickey Thompson shall not be employed by any dealer, market agency, or packer to perform activities in connection with livestock transactions subject to the jurisdiction of the Secretary under the Act. For purposes of


this order, employment shall include any affiliation, whether paid or unpaid, with anyone or any entity operating as either a registered or unregistered dealer or market agency subject to the Act, including any family member or business associate or Respondent Rickey Thompson who operates or conducts business subject to the Act.

Jurisdiction is specifically retained for the purpose of determining whether Respondent Rickey Thompson is fully serving this first year of suspension. If the Complainant believes that Respondent Rickey Thompson has operated subject to the Act during the one-year period of suspension, Complainant shall file a motion, supported by documented evidence and/or affidavit, setting forth the evidence that Respondent Rickey Thompson has operated subject to the Act during the period of suspension. Respondent Rickey Thompson shall be permitted twenty (20) days to file a written response to said motion and evidence. The Administrative Law Judge shall determine if further evidence is needed, and shall determine the method by which such evidence shall be submitted by the parties. Upon the determination that Respondent Rickey Thompson has operated while suspended, the Administrative Law Judge shall make the full five year period of suspension effective without further consideration of the merits of this action.


Respondent Justin Thompson is prohibited from being registered pursuant to section 303 of the Act (7 U.S.C. §203) for the period of one year.

The provisions of this Order shall become effective upon the filing of this Order with the Hearing Clerk of the U.S. Department of Agriculture.

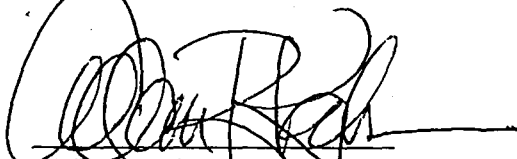
Copies of this decision shall be served upon the parties.




RICKEY THOMPSON
Respondent



JUSTIN THOMPSON
Respondent




ALLAN ROBERT KANAN
Attorney for Respondents



ERIC PAUL
Attorney for Complainant

Issued this 4th day of September, 2003



MARC HILLSON
Administrative Law Judge