

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D-04-0009
)
Joe Don Pogue d/b/a Pogue Cattle Co.,)
)
Respondent) Decision

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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 the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondent wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

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.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Joe Don Pogue doing business as Pogue Cattle Co., hereinafter referred to as Respondent, is an individual whose business mailing address is Route 3, Box 1040, Sulphur Springs, TX 75482-9610.

2. Respondent is, and at all times material herein was:

(a) Engaged in business as a dealer, buying and selling livestock for his own

account; and

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account and as a market agency, buying on commission.

Conclusions

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

Order

Respondent Joe Don Pogue, his agents, employees, successors and assigns, doing business as Pogue Cattle Company or through any corporate or other device, in connection with his operations subject to the Act shall cease and desist from failing to pay, within the time period required by the Act, the full purchase price of livestock.


Respondent is assessed a civil penalty in the amount of Four Thousand Five Hundred Dollars (\$4,500.00).

Respondent shall maintain accounts, records, and memoranda that fully and correctly disclose his transactions subject to the Act, including dated and detailed load make up sheets and other records required to trace livestock from purchase to resale.

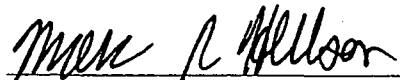
The provisions of this Order shall become effective on the sixth day after service of this order on the Respondent.

Copies of this decision shall be served upon the parties.


JOE DON FOGUE
Respondent


ERIC PAUL
Attorney for Complainant

Issued this 27th day of August, 2004


Administrative Law Judge