

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P&S Docket No. D-13-0239
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Larry K. Smeal, Jr.)
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)
Respondent.) Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Packers and Stockyards Act), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201 *et seq.*), hereinafter referred to as the “regulations” by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the respondent willfully violated the Packers and Stockyards Act and the regulations promulgated thereunder. Complainant and respondent have agreed to entry of this Decision, without hearing or further procedure, 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).

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.

Finding of Facts

(a) Larry K. Smeal, Jr. is an individual whose business mailing address is 860 US Highway 98 W, Frostproof, Florida 33843.

(b) Larry K. Smeal Jr. has engaged in the business of a dealer buying or selling livestock in commerce and a market agency buying or selling livestock on a commission basis in commerce under his own name; as a sole proprietorship doing business under the name of Central Florida Calf Farm, Inc.; and under the fictitious name Smeal Trucking.

(c) Central Florida Calf Farm, Inc., a corporation organized under the laws of the State of Florida, with a business mailing address of 860 US Highway 98 West, Frostproof, Florida 33843, was dissolved as of September 14, 2007.

(d) Central Florida Calf Farm, Inc. was under the direction, management, and control of Larry K. Smeal, Jr.

(e) Smeal Trucking, organized under the laws of the State of Florida on January 28, 2010, has a mailing address of 860 US Highway 98 West, Frostproof, Florida 33843.

(f) Smeal Trucking is, and was, at all times material herein, under the direction, management and control of Larry K. Smeal, Jr.

Order

Respondent, his agents and employees, directly or through any corporate or other device, in connection with respondent's activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act and regulations promulgated thereunder without filing and maintaining an adequate bond or its equivalent; and

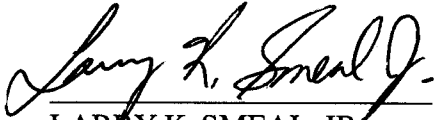
2. Engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act and the regulations promulgated thereunder without first becoming properly registered under the Act as required by section 201.10(a) of the regulations (9 C.F.R. §201.10(a)).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), the respondent is assessed a civil penalty in the amount of three thousand dollars (\$3,000.00). The civil penalty of three thousand dollars (\$3,000.00) shall be paid in twelve monthly installments of two hundred and fifty dollars (\$250.00). The civil penalty payment instrument should be either a certified check, cashier's check, or money order made payable to the Treasurer of the United States and shall be mailed to USDA, GIPSA, P.O. Box 790335, St. Louis, Missouri 63179-0335. Each payment instrument shall include the docket number of this proceeding, P & S Docket No. D-13-0239.

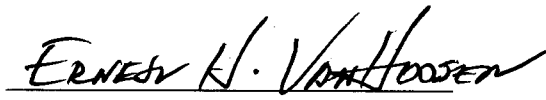
If respondent fails to comply with any of the terms of this consent decision, the full remaining balance of the civil penalty will become immediately due and payable. Any future violations of the Act will result in the full civil penalty or any remaining balance becoming instantly due and payable. Respondent expressly waives any further appearance or procedure with respect to action in this matter. This Consent Decision shall not limit sanctions for future violations of the Act or regulations promulgated thereunder.

This Order shall have the same force and effect as if entered after full hearing. The provisions of this order shall become effective on the sixth day after service of this consent decision and order on the respondent.

Copies of this decision shall be served upon the parties.



LARRY K. SMEAL, JR.
Respondent



ERNEST H. VANHOOSER
Attorney for Respondent



DARLENE M. BOLINGER
Attorney for Complainant

Issued in Washington D.C.

this 7 day of January, ~~2013~~ ²⁰¹⁴ 8^{SC}



JILL S. CLIFTON
Administrative Law Judge

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OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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VAN HOOSER & EFTINK, P.C.
704 W. FOXWOOD DRIVE
P.O. BOX 1280
RAYMORE, MO 64083

PS Form 3800, July 2002

See Reverse for Instructions