

Default Decision Suspends Bert Smith IV And B4 Cattle Co. For 10 Years

WASHINGTON, March 4, 2003 - On Aug. 12, 2002, an administrative law judge issued a default decision against Bert Smith, IV, doing business as B4 Cattle Company (Smith IV) and B4 Cattle Company Inc. of Chilhowie, Va. Smith IV was registered under the Packers and Stockyards Act (P&S Act) to operate as a dealer buying and selling livestock in commerce for his own account, or for the accounts of others.

A complaint filed by the deputy administrator of the Grain Inspection, Packers and Stockyards Administration, (GIPSA) Packers and Stockyards Programs, alleged that Smith IV, despite several written notices, continued to operate as a livestock dealer without obtaining an adequate surety bond or a bond equivalent as required by the P&S Act. The complaint also alleged that Smith IV issued checks in payment for livestock purchases that were returned unpaid by the bank because of a lack of sufficient funds in the account. Additionally, the complaint alleged that as of Sept. 14, 2001, Smith IV had failed to pay for \$604,636.37 in livestock purchases.

Smith IV did not appeal the administrative law judge's Aug. 12, 2002, decision in a timely manner, resulting in a default decision that became final and effective on Oct. 31, 2002.

The default decision ordered Smith IV to stop from failing to pay and pay when due the full purchase price of livestock, failing to maintain sufficient funds on deposit to pay checks, and failing to maintain an adequate bond when operating a business subject to the P&S Act and regulations.

Smith IV was suspended as a registrant under the P&S Act for a period of 10 years. He is prohibited from operating subject to the P&S Act as a livestock dealer or order buyer during the 10-year period of his suspension. The suspension may be terminated after 390 days upon demonstration by Smith IV that he has obtained the required bond coverage, and the unpaid livestock sellers identified in the complaint have been paid in full.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.

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