

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USDA
CALJ/100
2002 JAN 28 P 2:57

In re:) P. & S. Docket No. D-01-0003
Kenneth Koops,)
)
Respondent) Decision

RECEIVED

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 wilfully violated the Act. 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).

Respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admit 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 Kenneth Koop, hereinafter referred to as the Respondent, is an individual whose address is 502 East Garfield, Gettysburg, SD 57442.
2. The Respondent 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.

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 Kenneth Koops, his agents and employees, directly or through any corporate or other device, in connection with his operations subject to the Packers and Stockyards Act, shall cease and desist from:

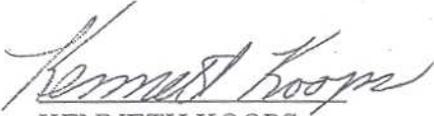
1. Failing to pay the full purchase price of livestock;
2. Failing to pay, when due, the full purchase price of livestock; and
3. Issuing checks in payment for livestock purchases without having sufficient funds

on deposit and available in the accounts upon which such checks are drawn to pay such checks when presented.

Respondent Kenneth Koops is suspended as a registrant under the Act for a period of 5 years, provided, that this order may be modified upon application to the Packers and Stockyards Programs, after the expiration of 150 days of this suspension and upon demonstration of circumstances warranting modification of the order, to permit Respondent's salaried employment by another registrant or packer.

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.



KENNETH KOOPS

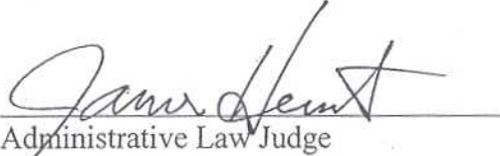
Respondent



ERIC PAUL

Attorney for Complainant

Issued this 28th day of January 2002


Administrative Law Judge