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Alan C.

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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P. & S. Docket No. D-08-0041
	)	
Triple K Cattle Dealers, Inc. and	)	
George N. Kittle	)	
	)	
Respondents	)	Decision Without Hearing
	)	By Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondents willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*). This decision is entered pursuant to the consent decision provision 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 Complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny 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.

The Complainant agrees to the entry of this decision.

Findings of Fact

1. Triple K Cattle Dealers, Inc. (hereinafter "Corporate Respondent"), is a corporation organized and existing under the laws of the State of New York, with a mailing address of P.O. Box 188, Ghent, NY 12075.

CC: Brett

2. Corporate Respondent, at all times material herein, was:

(a) Engaged in the business of a dealer buying and selling livestock in commerce for its own account and the account of others; and

(b) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce and as a market agency buying livestock in commerce on a commission basis.

3. George N. Kittle, (hereinafter "Individual Respondent"), at all times material herein was:

(a) 100% shareholder of Corporate Respondent;

(b) President of Corporate Respondent; and

(c) Responsible for the day to day direction, management and control of Corporate Respondent.

#### Conclusions

By reason of the facts in Finding of Fact #3 above, Individual Respondent George N. Kittle is the alter ego of Corporate Respondent. Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

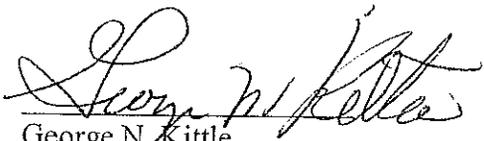
#### Order

Respondents Triple K Cattle Dealers, Inc. and George N. Kittle, their agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock

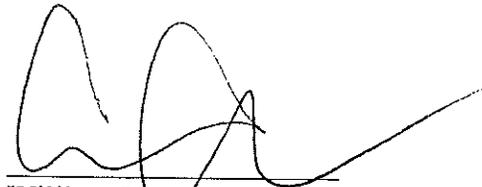
In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents Triple K Cattle Dealers, Inc. and George N. Kittle, jointly and severally, are assessed a civil penalty in the amount of Four Thousand and Five Hundred Dollars (\$4,300.00).

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

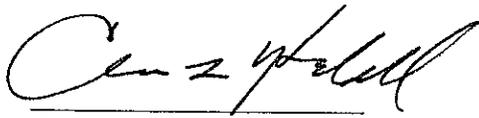
Copies of this decision shall be served upon the parties.



George N. Kittle

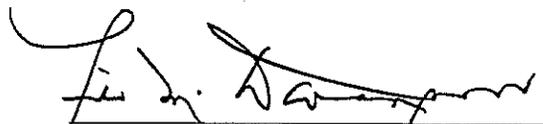


William J. Better  
Attorney for Respondents



Charles L. Kendall  
Attorney for Complainant

Issued this 27<sup>th</sup> day of July 2008



Administrative Law Judge