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UNITED STATES DEPARTMENT OF AGRICULTURE 2002 NOV 18 P 4: 27

BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	P & S Docket No. D-02-0007
	)	
Ranger Auction Co., Inc.,	)	
d/b/a Eastland Auction Co.,	)	
and Ranger Auction Co.;	)	
David L. Coan; and	)	Decision as to Respondents
Laquetta J. Coan	)	David L. Coan and Laquetta J. Coan
	)	
	)	
Respondents	)	

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 Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondents Ranger Auction Co., Inc., David L. Coan and Laquetta J. Coan willfully violated the Act and the regulations issued thereunder. This decision as to Respondents David L. Coan and Laquetta J. Coan is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. §1.138).

Respondents David L. Coan and Laquetta J. Coan 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, waive oral hearing and further procedure, and consent and agree, 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. Respondent Ranger Auction Co., Inc. (hereinafter referred to as the "Corporate Respondent") is a Texas corporation whose business mailing address is P.O. Box 787, Eastland, Texas 76448.

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

(a) Engaged in the business of operating Ranger Auction Co., a posted stockyard subject to the provisions of the Act, and also engaged in the business of operating Eastland Auction Co., a posted stockyard subject to the provisions of the Act;

(b) Engaged in the business of a market agency selling livestock on a commission basis; and

(c) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis.

3. Respondent David L. Coan (hereinafter referred to as "Respondent David Coan" or as one of the "Individual Respondents"), is an individual whose business mailing address is P.O. Box 787, Eastland, Texas 76448.

4. Respondent David Coan was at all times material herein:

(a) Vice-President and owner of 50 percent of the stock of the Corporate Respondent; and

(b) With Respondent Laquetta Coan, responsible for the direction, management and control of the Corporate Respondent.

5. Respondent Laquetta J. Coan (hereinafter referred to as "Respondent Laquetta Coan" or as one of the "Individual Respondents"), is an individual whose business mailing address is P.O. Box 787, Eastland, Texas 76448.

6. Respondent Laquetta Coan was at all times material herein:

- (a) Chief Financial Officer of the Corporate Respondent; and
- (b) With Respondent David Coan, responsible for the direction, management and control of the Corporate Respondent.

7. David Coan and Laquetta Coan, were, at all times material herein, the alter egos of the Corporate Respondent with respect to their obligations under the Packers and Stockyards Act.

#### Conclusions

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

#### Order

Respondents David L. Coan and Laquetta J. Coan, their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Providing false information on Annual Reports required of Respondents under the Act, and submitted to the Packers and Stockyards Programs, GIPSA; and
2. Failing to maintain the custodial account in strict conformity with the provisions of Section 201.42 of the regulations (9 C.F.R. § 201.42); and from:

- (a) Failing to deposit in the Custodial Account for Shippers' Proceeds (hereinafter referred to as the "custodial account"), within the times prescribed in section 201.42 of the regulations (9 C.F.R. § 201.42), amounts equal to the outstanding proceeds receivable due from the sale of consigned livestock;

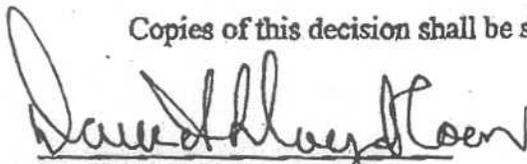
(b) Failing to reimburse the custodial account for purchases of livestock made from consignments by the Corporate Respondent;

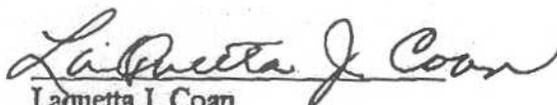
(c) Using funds received from the sale of consigned livestock for purposes of their own or for any purpose other than payment to consigners of the amount due from the sale of their livestock and the payment of lawful marketing charges.

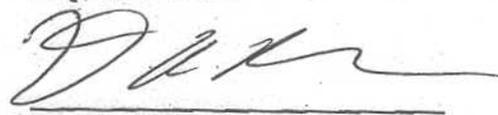
Respondents David L. Coan and Laquetta J. Coan are hereby barred from being registered with the Secretary of Agriculture under the Act for a period of five (5) years. Pursuant to section 303 of the Act, Respondents are prohibited from conducting business subject to the Act without being registered.

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

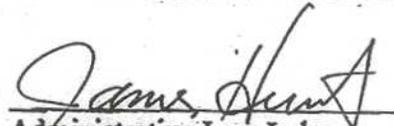
Copies of this decision shall be served upon the parties.

  
David Lloyd Coan

  
Laquetta J. Coan

  
David A. Richman  
Attorney for Complainant

Issued this 18th day of November 2002

  
Administrative Law Judge