

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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2002 SEP 19 P 12:38

In re:	)	P. & S. Docket No. D-02-0008	RECEIVED
	)		
Waite & Waite Company, L.L.C.	)		
Ralph B. Waite, Sr.	)		
Ralph Waite, Jr.	)		
	)		
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 Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondents violated the Act. 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, 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. Waite & Waite Company, L.L.C., hereinafter referred to as the Corporate Respondent, is a limited liability company organized and doing business in the State of Oklahoma, with a mailing address of 913 North 161<sup>st</sup> East Avenue, Tulsa, Oklahoma 74116.

2. The 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 for the account of others; and

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

(3) Ralph B. Waite, Sr., hereinafter referred to as Respondent Ralph Waite, passed away on November 16, 2001.

(4) Respondent Ralph Waite, Sr., at all times material herein was:

(a) A Member of the Corporate Respondent;

(b) Owner of 50 percent of the stock of the Corporate Respondent;

(c) Responsible for the management, direction and control of the Corporate Respondent;

(d) An alter ego of the Corporate Respondent.

(5) Ralph "Buck" Waite, Jr., hereinafter referred to as Respondent Buck Waite, is an individual whose address is Rt. 1, Box 41, Arnett, Oklahoma 73832.

(6) Respondent Buck Waite, at all times material herein was:

(a) A Member of the Corporate Respondent;

(b) Engaged as a dealer in the business of buying livestock in commerce for Corporate Respondent.

#### Conclusions

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

Order

Respondent Waite & Waite Company, L.L.C. and Respondent Ralph Waite, Jr., their agents and employees, directly or through any corporate or other device, in connection with their 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 sufficient funds on deposit

and available in the account upon which such checks are drawn to pay such checks when presented.

In accordance with 7 U.S.C. § 204, the registration of Respondent Waite & Waite Company, L.L.C. is suspended for a period of five (5) years. *Provided*, however, that should full restitution be made to all unpaid sellers identified by the Complaint, a supplemental order may be issued terminating the suspension at any time after 125 days of suspension. *Provided further* that, upon demonstration by Respondents of circumstances warranting modification of the order, which must include a demonstration that a reasonable and current schedule of restitution has been established ensuring that the livestock sellers identified in the Complaint will be paid in full, this order may be modified to provide that upon application to Packers and Stockyards Programs, Respondent Ralph Waite, Jr. may be permitted to be employed by a registrant or packer after expiration of the initial 125 days of suspension.

Respondent Ralph Waite, Jr. shall not be registered with the Secretary of Agriculture in any capacity under the Packers and Stockyards Act while Respondent Waite & Waite Company,

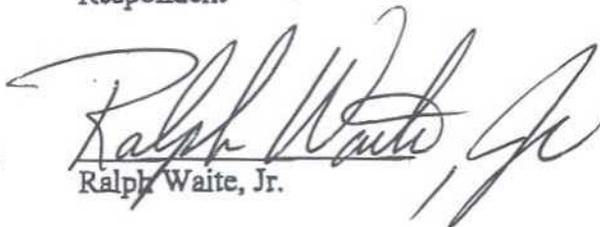
L.L.C. is suspended, and pursuant to § 303 of the Act, Respondent Ralph Waite, Jr. is prohibited from engaging in any operation subject to the Packers and Stockyards Act without being registered.

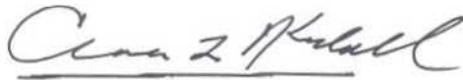
The provisions of this order shall become effective on the sixth day after service of this order on the Respondents.

Copies of this decision shall be served upon the parties.

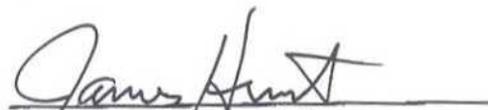
Waite & Waite Company, L.L.C.

by \_\_\_\_\_  
Respondent

  
Ralph Waite, Jr.

  
Charles L. Kendall  
Attorney for Complainant

Issued this 19th day of September 2002

  
Administrative Law Judge

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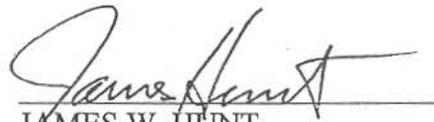
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Waite & Waite Company, L.L.C.	)	
Ralph B. Waite, Sr.	)	
Ralph Waite, Jr.	)	
	)	
Respondents	)	<b>Order Construing Consent Decision</b>

As Respondent Ralph B. Waite, Sr. was dismissed from the complaint and as a default decision is being entered as to Respondent Waite & Waite Company, L.L.C., the title of the consent decision filed in this matter by Complainant and "Respondents" titled "Decision Without Hearing by Reason of Consent," but signed only by Respondent Ralph Waite, Jr. and Complainant, is construed to mean "Decision Without Hearing by Reason of Consent as to Respondent Ralph Waite, Jr."

September 19, 2002

  
JAMES W. HUNT  
Administrative Law Judge