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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-05-0009
)
 Tim Reece d/b/a Reece Cattle Co.,)
)
 Respondent) Amended Decision Without Hearing
) By Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (hereinafter referred to as the “Act”), 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 Respondent willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138). This supercedes the Decision issued by me on October 18, 2005.

Respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits 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. Tim Reece d/b/a Reece Cattle Co., is an individual whose business mailing address is P.O. Box 341, Overbrook, Kansas 66524.
2. 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 a market agency, buying livestock on a commission basis; and

(b) Registered with the Secretary of Agriculture as a dealer, to buy and sell livestock in commerce for his own account or the accounts of others, and a market agency, to buy livestock on a commission basis.

Conclusions

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

Order

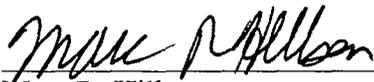
Respondent Tim Reece d/b/a Reece Cattle Co., his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from failing to pay the full amount of the purchase price for livestock within the time period required by the Act.

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty of Eight Thousand Dollars (\$8,000.00).

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

Copies of this decision shall be served upon the parties.

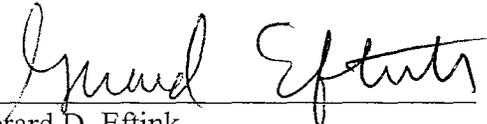
Issued this 26th day of
October, 2005.



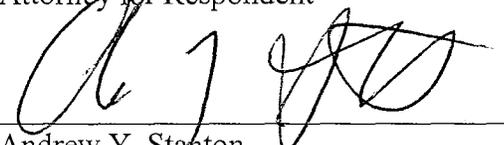
Marc R. Hillson
Chief Administrative Law Judge



Tina Reece
d/b/a Reece Cattle Co.
Respondent



Gerard D. Eftink
Attorney for Respondent



Andrew Y. Stanton
Attorney for Complainant