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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. 07-0074
)
Fox Creek Cattle Co., Inc.,)
and Carolyn Sorrell)
)
Respondents) Consent Decision

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 the Deputy Administrator, Packers and Stockyards Program, United States Department of Agriculture alleging that the Respondents willfully violated the Act. This Decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (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.

Complainant agrees to the entry of this Decision.

Findings of Fact

1. Fox Creek Cattle Co., Inc., hereinafter referred to as "Corporate Respondent" is a corporation organized and existing under the laws of the

cc: Brett

Commonwealth of Kentucky. Corporate Respondent's mailing address is P.O. Box 1385, Hopkinsville, Kentucky 42241.

2. Corporate Respondent is, and at all times material herein was:
 - (a) Engaged in the business of buying and selling livestock in commerce for its own account and buying livestock on a commission basis for others;
 - (b) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce for its own account or for the account of others; and
 - (c) Registered with the Secretary of Agriculture as a market agency buying livestock in commerce on a commission basis.

3. Carolyn Sorrell, hereinafter referred to as the "Individual Respondent," is, and at all times material herein was:

- (a) The president and sole owner of Corporate Respondent;
- (b) A livestock dealer and market agency within the meaning of and subject to the Act; and
- (c) The alter ego of 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

Respondents Fox Creek Cattle Co., Inc., and Carolyn Sorrell, 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 failing to pay for livestock purchases within the time period required by the Act.

In accordance with section 312(b) of the Act, (7 U.S.C. § 213(b)), Respondents are hereby assessed a civil penalty of three thousand dollars (\$3,000.00) for which Respondents Fox Creek Cattle Co., Inc., and Carolyn Sorrell are jointly and severally liable. Respondents' payment shall be made out to "USDA-GIPSA" and sent to USDA-GIPSA, P.O. Box 790335, St. Louis, Missouri 63179-0335.

The provisions of this Order shall become effective on the sixth (6th) day after service on the Respondents.

Copies of this Decision and Order shall be served on the parties.

FOX CREEK CATTLE CO., INC.
Respondent,

By:

Carolyn Sorrell

Carolyn Sorrell
CAROLYN SORRELL
Respondent

President
Title

Paul Spicknall attorney

Charles E. Spicknall
CHARLES E. SPICKNALL
Attorney for Complainant

Issued in Washington D.C.

this 7th day of December 2007

Mark R. Hillman
ADMINISTRATIVE LAW JUDGE