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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P. & S. Docket No. D-07-0151
)	
Forester's 4-F Cattle Co, Inc.,)	
)	
)	
)	
Respondent)	Decision Without Hearing By Reason Of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), (hereinafter "the Act"), by a Complaint filed on June 26, 2007 by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Respondent willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). Respondent filed an Answer on July 10, 2007, admitting the jurisdictional allegations of the Complaint, and generally denying all other allegations.

The parties have now agreed to the entry of a Decision Without Hearing by Reason of Consent as set forth herein. 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. § 1.130 et seq.; hereinafter "Rules of Practice") applicable to this proceeding (7 C.F.R. § 1.138).

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.

Findings of Fact

(1) Forester's 4-F Cattle Co., Inc., hereinafter referred to as Respondent, is a corporation organized and existing under the laws of the State of Texas. Its business mailing address is P.O. Box 122, La Rue, Texas 75770-0122.

(2) 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;

(b) Registered with the Secretary of Agriculture as a dealer buying and selling livestock.

Order

Respondent, its agents and employees, directly or through any corporate or other device, in connection with its activities subject to the Packers and Stockyards Act, shall cease and desist from:

1) Failing to operate its livestock scale so as to insure accurate weights, selling livestock in commerce based on inaccurate weights, preparing and generating false and incorrect scale tickets to support sales, and billing customers for inaccurate weights;

2) Failing to issue scale tickets to buyers when the livestock is re-weighed for the purpose of sale to buyers; and

3) Failing to pay, when due, for livestock.

Respondent shall keep accounts, records and memoranda that fully and correctly disclose

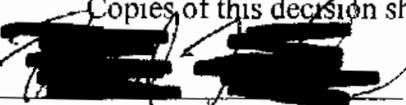
all transactions involved in his business. Specifically, Respondent shall record all weight values on a scale ticket with a printing device when livestock is re-weighed for the purpose of sale to buyers. Respondent shall keep an accurate record of all livestock weighed for the purpose of sale to buyers.

Respondent is assessed a civil penalty in the amount of twenty five thousand dollars (\$25,000), payable in the following increments: five thousand dollars (\$5,000) on or before the effective date of this order, ten thousand dollars (\$10,000) on or before June 30, 2008, and ten thousand dollars (\$10,000) on or before October 30, 2008. Payments shall be made by mail by check or money order, or wire transfer to :

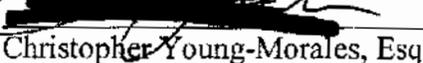
USDA
GIPSA
P.O. Box 790335
St. Louis, MO
63179-0335

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

Copies of this decision shall be served upon the parties.


For Forester's 4-F Cattle Co., Inc.


Ernest Van Hooser, Esq.
Attorney for Respondent


Christopher Young-Morales, Esq.
Attorney for Complainant

Issued in Washington, D.C.
this 10th day of April, 2008


Marc Hillson
Chief Administrative Law Judge