

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
MCCS Livestock, Inc. d.b.a.) P&S Docket No. ~~19~~ 20-J-0034
Leflore County Livestock Auction)
)
Respondent) Consent Decision and Order

REC'D - USDA/DALJ/DHC
2020 FEB 4 PM 4:29

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (the Act), by a Complaint filed by the Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service, U.S. Department of Agriculture, alleging that respondent MCCS Livestock, Inc. d.b.a. Leflore County Livestock Auction (Respondent) violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*) (the regulations). This consent decision and order is entered pursuant to section 1.138 (7 C.F.R. § 1.138) of the Rules of Practice Governing Formal Adjudicatory Procedures Instituted by the Secretary under Various Statutes (Rules of Practice) (7 C.F.R. § 1.130 *et seq.*).

Respondent admit the jurisdictional allegations set forth 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; waive all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waive any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by Respondents in connection with this proceeding or any action against any USDA employee in their individual capacity. The

parties consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this Decision.

Findings of Fact

1. MCCS Livestock, Inc. d.b.a Leflore County Livestock Auction (Respondent Leflore), is a corporation organized under the laws of the state of Oklahoma, with its principal place of business located at 707 West Highland, Wister, Oklahoma 74966. Its mailing address is PO Box 408, Wister, Oklahoma 74966.
2. Respondent Leflore, is, and at all times material herein, was:
 - (a) Engaged in the business of, and operating as, a stockyard posted under and subject to the provisions of the Act;
 - (b) Engaged in the business of a market agency selling livestock in commerce on a commission basis; and
 - (c) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis.

Conclusion

Respondents having admitted the jurisdiction facts, and the parties having agreed to the entry of this consent decision, the consent decision and order will be entered.

Order

Respondent MCCS Livestock, Inc. d.b.a Leflore County Livestock Auction, their agents

and employees, directly and through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from:

a. failing to properly maintain their Custodial Account for Shippers' Proceeds (custodial account) in strict conformity with the Act and section 201.42(a) of the regulations (9 C.F.R. § 201.42(a)); and

b. using funds received from the sale of consigned livestock for any purpose other than those specifically permitted by section 201.42(d) of the regulations (9 C.F.R. § 201.42(d)).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents jointly and severally are assessed a civil penalty in the amount of eleven thousand dollars (\$11,000.00).

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

Copies of this decision and order shall be served on the parties.

Done at Washington, D.C.

this 7th day of February 2018. ^{20 CDs}



Administrative Law Judge

Chief

Channing D. Strother

Respondent MCCS Livestock, Inc.
d.b.a Leflore County Livestock Auction

By: 

Title: Pres

MCCS Livestock, Inc
d.b.a Leflore County Livestock Auction
Respondent

CHRISTOPH
ER YOUNG 

Chris Young-Morales
Attorney for Complainant