

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE 2015 JUN 26 PM 3:59

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In re:)	P & S Docket	D-15-0068
)	Nos.	D-15-0069
KMS Cattle, Inc.,)		
and)		
Kyle D. Sorrels)		
)		
Respondents)	CONSENT DECISION	
)		

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 on February 5, 2015 by the Deputy Administrator of the Grain Inspection, Packers and Stockyards Administration (GIPSA), of the United States Department of Agriculture (“Complainant”), alleging that Respondents KMS Cattle, Inc. and Kyle D. Sorrels (“Respondents”) willfully violated the Act. This Consent Decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 *et seq.*) (“Rules of Practice”).

Respondents admit the jurisdictional allegations in paragraph I of the Complaint and specifically admit that the Secretary of the United States Department of Agriculture has jurisdiction in this matter; neither admit nor deny the remaining allegations; waive oral hearing and further procedure, including all rights to seek judicial review and otherwise challenge or contest the validity of this decision; 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. KMS Cattle, Inc. (“Corporate Respondent”), is a corporation organized and existing under the laws of the State of Arkansas. Corporate Respondent’s mailing address is 328 Duggar Road, Beebe, Arkansas, 72012.
2. At all times material hererin, Corporate Respondent was:
 - (a) Engaged in the business of buying and selling livestock in commerce as a dealer for its own account; and
 - (b) Not registered with the Secretary of Agriculture as a dealer to buy and sell livestock and operating subject to the Act.
3. Kyle D. Sorrels (“Individual Respondent”) is an individual with a mailing address of (b) (6)
4. At all times material herein, the Individual Respondent was:
 - (a) President, Vice President, Secretary, and Treasurer of Corporate Respondent;
 - (b) Registered Agent for Corporate Respondent;
 - (c) The person who has managed, directed, and controlled Corporate Respondent;
 - (d) Engaged in the business of buying and selling livestock in commerce as a dealer for his own account; and
 - (e) Registered with the Secretary of Agriculture as an individual dealer to buy and sell livestock in commerce.

Conclusion

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

ORDER

Respondents KMS Cattle, Inc. and Kyle D. Sorrels, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are hereby assessed, jointly and severally, a civil penalty in the amount of eight thousand dollars (\$8,000). The respondent shall send a certified check or money order for eight thousand dollars (\$8,000) payable to the "Treasurer of the United States," to: Elizabeth M. Kruman, Office of the General Counsel, U.S. Department of Agriculture, Room 2336-A, South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250. The certified check or money order should include the docket numbers of this proceeding, P&S Docket Nos. 15-0068 and 15-0069.

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become effective upon issuance (7 C.F.R. § 1.138).


Copies of this Consent Decision shall be served upon the parties.

Issued this 26 day of June, 2015,
in Washington, D.C.


ADMINISTRATIVE LAW JUDGE

Jill S. Clifton


ELIZABETH M. KRUMAN
Attorney for Complainant


KYLE D. SORRELS, and
KMS CATTLE, INC.
Respondents