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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P. & S. Docket No. D-07-0054  
)  
Benton Packing Company, Inc., )  
and Arthur F. "Tinker" Green, )  
)  
Respondents ) Consent Decision

This is a disciplinary proceeding under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*), hereinafter the "Act." On November 27, 2007, an Amended Complaint and Notice of Hearing ("Amended Complaint") was issued against Benton Packing Company, Inc. and Arther F. "Tinker" Green ("Respondents") alleging that Respondents willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a), 228b) and sections 201.49, 201.71, and 201.99 of the regulations (9 C.F.R. §§ 201.49, 201.71, 201.99) by failing to pay, when due, for livestock purchases, failing to pay the full purchase price for livestock purchases, employing a scale not equipped with a printing device to record weights, and purchasing livestock without issuing a printed scale ticket.

Complainant and Respondents have now agreed to entry of this decision, without hearing or further procedure, 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 Amended 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.

### Findings of Fact

1. Benton Packing Company, Inc., (“Corporate Respondent”) is a corporation incorporated and doing business in the State of Arkansas whose mailing address is 1837 Southland Circle, Benton, Arkansas 72015.

2. Corporate Respondent at all times material to this complaint was:

- (a) Engaged in the business of buying livestock in commerce for the purpose of slaughter; and
- (b) A packer within the meaning of and subject to the provisions of the Act.

3. Arthur F. “Tinker” Green (“Respondent Green”) is an individual whose business mailing address is 1837 Southland Circle, Benton, Arkansas 72015.

(d) Respondent Green is, and at all times material herein was:

- (1) President and 100% owner of Corporate Respondent; and
- (2) Responsible for the management, direction, and control of Corporate Respondent; and
- (3) A packer within the meaning of and subject to the provisions of the Act.

### 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 Benton Packing Company, Inc., and Arthur F. “Tinker” Green, their agents and employees, directly or through any corporate or other device, in connection with Respondents’ activities subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when

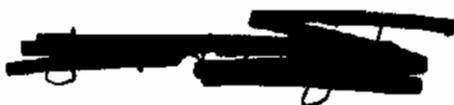
due, for livestock purchases, failing to pay the full purchase price for livestock purchases, employing a scale not equipped with a printing device to record weights, and purchasing livestock without issuing a printed scale ticket.

The provisions of this Order shall become final and effective upon its issuance.

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

Issued in Washington D.C.

this 28 day of March, 2008



Administrative Law Judge

Jill S. Clifton

Benton Packing Company, Inc.  
Respondent,

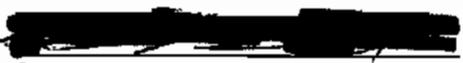
By: 

Owner

Title

  
Arthur F. "Tinker" Green  
Respondent

  
Michael Knollmeyer  
Attorney for Respondent

  
GARY F. BALL  
Attorney for Complainant