



- (2) Not registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.

## II

On June 11, 2010, Respondent's dealer registration to buy and sell livestock in commerce for its own account expired. On October 25, 2010, the Packers and Stockyards Program, Eastern Regional Office, received a completed registration application from Respondent requesting registration as a dealer to buy and sell livestock in interstate commerce. However, in light of recent documented violations of the Act (more fully set forth in Paragraphs III and IV below), the Packers and Stockyards Program has determined that there is reason to believe that Respondent is unfit to engage in the business of a dealer.

## III

On May 14, 2008, a Packers and Stockyards Auditor conducted a review of Respondent's livestock dealer operations and found that Respondent had both failed to pay promptly for livestock purchases, as well as had issued checks in payment for livestock that were returned due to insufficient funds. As a result, a Notice of Violation, dated June 19, 2008, was mailed to Respondent via certified mail and received at Respondent's home address on June 26, 2008. This Notice of Violation advised Respondent to comply with the prompt payment provisions for livestock purchases required under section 409 of the Act.

Notwithstanding such notice, on or about the dates and in the transactions set forth in Appendix A, Respondent purchased livestock in commerce and failed to pay,

when due, the full purchase price of such livestock.

#### IV

On or about the dates and in the transactions set forth in Appendix A, Respondent issued checks in partial payment for livestock purchases which were returned by the bank upon which they were drawn; these checks were returned because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which the checks were drawn to pay such checks when presented.

#### V

By reason of the facts alleged in paragraphs III and IV, Respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and § 228b), and is unfit to engage in business, in any capacity, for which registration and bonding is required by the Act and regulations.

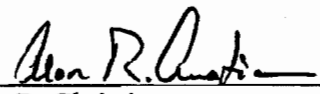
WHEREFORE, it is hereby ordered that this Complaint and Order to Show Cause shall be served upon the Respondent for the purpose of determining whether Respondent has willfully violated the Act and regulations and for the purpose of determining whether its application for registration as a dealer should be denied. Respondent shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 *et seq.*). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer shall constitute an admission of all the material allegations of this Complaint and Order to Show Cause.

The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), requests:

1. That unless Respondent fails to file an answer within the time allowed, or files an answer admitting all the material allegations of this Complaint, this proceeding be set for oral hearing in accord with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued, including an order requiring Respondent to cease and desist from violating the Act with respect to the matters alleged herein, assessing such civil penalties as are authorized by the Act and warranted under the circumstances, and denying Respondent's application for registration under the Act and regulations.

Done at Washington, D.C.  
this 30 day of May, 2012



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Packers and Stockyards Program

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