

USDA
OALJPHC

2012 OCT 17 PM 12:34

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P&S Docket No. D- 12-0028
)	
)	
Gary Thompson,)	
)	
)	
Respondent)	Complaint

There is reason to believe that the Respondent named herein has willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 - 229) (the "Act"), and, therefore, this Complaint is issued alleging the following:

I.

(a) Gary Thompson, referred to herein as the Respondent, is an individual whose business mailing address is his home address in the State of Louisiana. Respondent's address has been omitted from this Complaint in order to protect his personal privacy. Complainant has provided Respondent's address to the Hearing Clerk so that service can be effectuated.

- (b) At all times material herein, Respondent was:
1. Engaged in the business of buying and selling livestock in commerce; and
 2. Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce.

II.

(a) By final order of the Secretary of Agriculture, issued on April 11, 2008, *In re Gary Thompson*, P&S Docket No. D-07-0162, Respondent was ordered to cease and desist from failing to pay for livestock purchases within the time period required by the Act and ordered to maintain records of his transactions subject to the Act, including all livestock invoices and recap statements obtained in connection with the purchase of livestock, copies of all third party checks that were given to livestock sellers in payment for livestock purchases, and a complete record of livestock purchases, including payments made using third-party checks.

(b) Notwithstanding the prior Order of the Secretary in P&S Docket No. D-07-0162, Respondent has continued to fail to make payments for cattle purchases in accordance with the requirements in section 409 of the Act (7 U.S.C. § 228b) and has continued to fail to keep and maintain complete records of his dealer transactions as required by section 401 of the Act (7 U.S.C. § 221).

III.

(a) On or about the dates and in the transactions set forth below, Respondent failed to pay for livestock purchases within the time period required by the Act:

1. During the period of September 8, 2009, through September 15 2009, Respondent failed to make timely payment for 480 head of cattle purchased at Kinder Livestock Auction, Inc., in Kinder, Louisiana, in the total amount of \$178,067.43:

Purchase Date	No. of Head	Type of Livestock	Sale Price – Excluding Non-Livestock Charges	Payment Due Date Per 7 U.S.C. § 228b	Unpaid Livestock Amount as of 02/18/10
09/07/2009	155	CATTLE	\$51,019.05	09/08/2009	\$51,019.05

Purchase Date	No. of Head	Type of Livestock	Sale Price – Excluding Non-Livestock Charges	Payment Due Date Per 7 U.S.C. § 228b	Unpaid Livestock Amount as of 02/18/10
09/07/2009	3	CATTLE	\$1,293.10	09/08/2009	\$1,293.10
09/14/2009	312	CATTLE	\$119,936.48	09/15/2009	\$119,936.48
09/14/2009	10	CATTLE	\$5,818.80	09/15/2009	\$5,818.80

2. During the period of September 3, 2009, through September 14, 2009, Respondent failed to make timely payment for 388 head of cattle purchased at Mansura Livestock Auction, LLC, in Mansura, Louisiana, in the total amount of \$149,315.04:

Purchase Date	No. of Head	Type of Livestock	Sale Price – Excluding Non-Livestock Charges	Payment Due Date Per 7 U.S.C. § 228b	Unpaid Livestock Amount as of 02/18/10
09/02/2009	237	CATTLE	\$92,991.69	09/03/2009	\$92,991.69
09/09/2009	127	CATTLE	\$46,261.77	09/10/2009	\$46,261.77
09/11/2009	24	CATTLE	\$10,061.58	09/14/2009	\$10,061.58

(b) In total, Respondent failed to make timely payment for 868 head of cattle, in the amount of \$327,382.47, during the period of September 3, 2009, through September 15, 2009. As of February 18, 2010, at the close of the Packers and Stockyards Program's field investigation, the full amount remained unpaid.

IV.

Respondent, in connection with his operations subject to the Act, failed to keep and maintain records which fully and correctly disclose all of the transactions involved in his business as a dealer as required by section 401 of the Act (7 U.S.C. § 221). Specifically, Respondent has failed to keep and maintain bank statements, a check register, deposit slips, invoices, load make-up records, and copies of third-party checks used to pay for livestock.

V.

By reason of the facts alleged in paragraphs II and III herein, Respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b).

By reason of the facts alleged in paragraph IV, Respondent has willfully violated section 401 of the Act (7 U.S.C. § 221) by failing to keep and maintain records that fully and correctly disclose all transactions involved in his business.

WHEREFORE, it is hereby ordered that this Complaint shall be served on Respondent for the purpose of determining whether Respondent has willfully violated the Act. Respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §1.130 *et seq.*; hereinafter the "Rules of Practice"). Failure to file an answer shall constitute an admission of all the material allegations of this Complaint.

The Packers and Stockyards Program, GIPSA requests:

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

2. That an order be issued requiring Respondent to cease and desist from the violations found to exist, suspending Respondent as a registrant under the Act, and

assessing such civil penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 19 day of October 2011



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

Charles E. Spicknall
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
Regulatory Division
1400 Independence Avenue, S.W.
Room 2320, South Building
Washington, D.C. 20250
Telephone: (202) 720-8564