

Respondent issued 40 checks, in a total amount of over \$1.3 million to Southeast Mississippi Livestock of Hattiesburg, Mississippi, and Livestock Producers Association of Tylertown, Mississippi, in purported payment for livestock purchases, that were returned unpaid 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.

(b) Including the transactions described in paragraph (a), and including an additional purchase from Producers Livestock Association on June 29, 2010, Respondent failed to pay, when due, the full purchase price of livestock in an approximate amount of over \$750,000, by making payment by wire transfer up to 13 days after the sale.

(c) As of October 26, 2010, Respondent had failed to make full payment for two of his purchases described in paragraphs (a) and (b) of this section to those livestock sellers in a total amount of over \$50,000.

III.

(a) By letter dated July 27, 2010, Respondent was notified that he was operating subject to the Packers and Stockyards Act, but he did not have a sufficient bond or bond equivalent in the amount of \$65,000.

(b) After the effective date of this notice, Respondent continued to buy and sell livestock for his own account or the account of others, purchasing 138 head of livestock for \$52,801.72 on December 1, 2012 from Red River Livestock, LLC of

Coushatta, LA, and selling, on December 3, 2010 and December 5, 2010, 22 head of livestock to San Angelo Packing Co. of Pitkin, LA, for a total of \$7,338.70.

Respondent continues to operate without adequate bond to present on dates and times not specified herein.

IV.

(a) By reason of the facts alleged in paragraph III, Respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b) and section 201.43 of the Regulations.

(b) By reason of the facts alleged in paragraph III, Respondent has willfully violated sections 312(a) (7 U.S.C. §§ 213(a)) and sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§ 201.29 and 201.30).

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether Respondent has willfully violated the Act and the regulations. Respondent shall have twenty (20) days after receipt of this complaint to file an answer with the Hearing Clerk, United States Department of Agriculture, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9200, in accordance with the Rules of Practice Governing Proceedings Under the Act (7 C.F.R. § 1.130 et seq.)(Rules of Practice). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer will constitute an admission of all the material allegations of this complaint.

Packers and Stockyards Program, 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 accordance with the Rules of Practice; and

2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act found to exist, and assessing such penalties as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 12 day of July, 2012



ALAN R. CHRISTIAN
Deputy Administrator,
Packers and Stockyards Program

JONATHAN D. GORDY
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
Trade Practices Division
1400 Independence Avenue, S.W.
Room 2004, South Building
Washington, D.C. 20250
Telephone: (202) 720-5065