

UNITED STATES DEPARTMENT OF AGRICULTURE -7 AM 10:46

BEFORE THE SECRETARY OF AGRICULTURE RECEIVED

In re:)	P & S Docket No. D-09- 088
)	
Tracy Carter,)	
)	
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 et seq.), hereinafter referred to as “the Act,” and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. §201.1 et seq.), hereinafter referred to as “the Regulations,” and therefore this complaint is issued alleging the following:

I.

(a) Tracy Carter, hereinafter referred to as “Respondent,” is an individual whose mailing address is 1351 Slim Island Road, Bowling Green, Kentucky 42101.

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

II.

On October 18, 2006, the Packers and Stockyards Program sent Respondent a certified Letter of Notice. The letter referenced section 303 of the Act (7 U.S.C. § 203) and sections 9 C.F.R §§ 201.10 and 201.27- 201.34 of the Regulations, and notified the Respondent of his obligation to file an application for registration and proof of suitable bond or bond equivalent with Packers and Stockyards Program before engaging in any operations subject to the Act. The letter was returned "unclaimed."

On March 21, 2007, a representative of Packers and Stockyards Program, Jessica Power, went to Respondent's home to discuss the Letter of Notice. Power presented Respondent with a copy of the October 18, 2006 Letter of Notice and Respondent refused acceptance. Respondent informed Power that he was no longer operating as a dealer; however, Respondent continued to engage in business as a dealer without maintaining an adequate bond or its equivalent as required by the Act and the Regulations.

III.

On or about the dates and in the transactions set forth below, Respondent engaged in the business of buying livestock in commerce, on a commission basis, without maintaining an adequate bond or bond equivalent. The transactions occurred at Cattlemen's Livestock Market, L.L.C, a posted stockyard located in Bowling Green, Kentucky.

Date of Purchase	Purchaser	No. of Head	Livestock Amount	Commission Amount	Check No.
10/01/2007	CPC	41	\$18,968.72	\$93.65	2858
10/01/2007	Nutt Cattle	32	\$11,603.95	\$55.46	2858
10/08/2007	CPC	78	\$36,548.07	\$198.24	2992
10/08/2007	Nutt Cattle	38	\$15,476.87	\$77.77	2992
10/15/2007	Nutt Cattle	30	\$12,029.51	\$60.24	3043
10/15/2007	CPC	12	\$4,717.08	\$24.28	3043
10/22/2007	Nutt Cattle	43	\$17,447.21	\$81.88	3075
10/29/2007	Nutt Cattle	4	\$1,131.05	\$7.11	3147

11/12/2007	Mark Holder	17	\$7,688.27	\$45.57	3274
11/12/2007	Nutt Cattle	3	\$798.60	\$3.65	3274
11/12/2007	Currey Cattle Company	27	\$12,434.56	\$61.63	3274
11/12/2007	CPC	60	\$23,748.29	\$138.98	3274
11/26/2007	CPC	22	\$10,640.91	\$56.13	3341
11/26/2007	Mark Holder	7	\$3,335.85	\$19.98	3341
11/26/2007	Nutt Cattle	8	\$3,127.65	\$14.06	3341
12/03/2007	Nutt Cattle	30	\$11,883.50	\$49.45	3417
12/03/2007	Robinson	21	\$10,431.60	\$50.61	3417
12/03/2007	Lindsey Livestock	12	\$7,007.00	\$34.46	3417
12/03/2007	CPC	9	\$3,601.47	\$17.95	3417
12/10/2007	Nutt Cattle	18	\$7,702.76	\$35.28	3486
12/10/2007	Gregory Farms	5	\$3,136.08	\$17.31	3486
12/17/2007	CPC	12	\$5,097.87	\$27.10	3535
01/07/2008	CPC	33	\$12,536.58	\$66.28	3621
01/14/2008	CPC	33	\$12,156.57	\$66.58	3721
TOTALS		595	\$253,250.02	\$1,303.65	

IV.

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

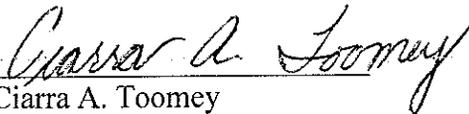
2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act found to exist, and suspending Respondent as a registrant under the Act, as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 3 day of April, 2009



Alan R. Christian
Deputy Administrator,
Packers and Stockyards Program



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