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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D-09- 0108
)
Robert W. Campbell, d/b/a)
RWC Cattle Company)
)
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.*)(the Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*)(the regulations), and, therefore, this complaint is issued alleging the following:

I

(a) Robert W. Campbell, hereinafter referred to as the Respondent, is an individual doing business as RWC Cattle Company, with a mailing address of P.O. Box 661, Mt. Vernon, Texas 75457-0661.

(b) Respondent, at all times material herein, was:

(1) Engaged in the business of a market agency buying livestock in commerce on a commission basis;

(2) Engaged in the business of a dealer buying and selling livestock in commerce for his own account and the account of others; and

(3) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce and as a market agency buying livestock in commerce on a commission basis.

II

Respondent, on or about the dates and in the transactions set forth in Attachment A, purchased livestock in commerce, and issued to the buyers for whose accounts such livestock purchases were made, invoices which: a) misrepresented the purchase weights as being greater than the actual weights of the livestock; and b) included undisclosed charges apart from agreed-upon charges for commission and shipping.

III

Respondent has failed to keep and maintain records that fully and correctly disclose all transactions involved in Respondent's business subject to the Act, as required by section 401 of the Act, in that Respondent has failed to generate and maintain load make up records that fully and correctly disclose the source, weight, and purchase price of livestock purchased and adjustments to the prices invoiced to buyers.

IV

By reason of the facts alleged in paragraph II herein, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. §§ 213(a)), violated section 201.44 of the regulations (9 C.F.R. § 201.44) by failing to deliver true written accounts of purchases made on order, and violated section 201.55 of the regulations (9 C.F.R. § 201.55) by buying livestock on commission for buyers and charging those buyers for that livestock based on false weights.

By reason of the facts alleged in paragraph III herein, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. §§ 213(a)) by failing to fully and correctly disclose all transactions involved in Respondent's business subject to the Act, as required by section 401 of the Act.

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has in fact willfully violated the Act and the regulations thereunder, this complaint shall be served upon Respondent. 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.*). 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 therefor, 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; and

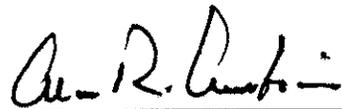
Attachment A

Date of Sale	Buyer	Head No	Invoice Amount	Actual Purchase Weight (lbs)	Invoiced Sale Weight (lbs)	Invoice Weight Increase (lbs)	Other Undisclosed Charges	Total Overcharge
09/24/2006	David Davies, Reading, KS	98	\$53,426.09	44,373	44,615	242	\$80.00	\$82.42
10/02/2006	G&S Cattle, Bovina, TX	114	\$58,131.64	54,545	54,845	300	\$516.83	\$519.83
10/22/2006	David Davies, Reading, KS	96	\$50,488.33	43,975	43,975	0	\$277.70	\$277.70
10/29/2006	G&S Cattle, Bovina, TX	120	\$59,120.83	54,400	54,890	490	\$1,057.22	\$1,062.12
10/29/2006	G&S Cattle, Bovina, TX	113	\$57,448.51	57,189	57,550	361	\$959.27	\$962.88
11/05/2006	G&S Cattle, Bovina, TX	65	\$30,696.80	29,180	29,180	0	\$300.00	\$300.00
11/05/2006	G&S Cattle, Bovina, TX	49	\$24,508.66	24,795	24,795	0	\$200.00	\$200.00
11/09/2006	G&S Cattle, Bovina, TX	115	\$54,552.73	51,970	52,265	295	\$609.94	\$612.89
11/12/2006	G&S Cattle, Bovina, TX	82	\$38,526.50	36,810	36,810	0	\$568.56	\$568.56
11/12/2006	G&S Cattle, Bovina, TX	35	\$17,396.80	18,580	18,580	0	\$288.70	\$288.70
11/17/2006	G&S Cattle, Bovina, TX	49	\$24,221.87	25,520	25,940	420	\$290.00	\$294.20
11/17/2006	G&S Cattle, Bovina, TX	65	\$29,471.94	29,605	29,570	-35	\$300.00	\$299.65
11/19/2006	G&S Cattle, Bovina, TX	55	\$25,044.49	24,345	24,600	255	\$140.00	\$142.55
12/03/2006	G&S Cattle, Bovina, TX	67	\$33,448.49	35,250	35,780	530	\$626.09	\$631.39
12/09/2006	G&S Cattle, Bovina, TX	57	\$26,501.31	25,910	26,510	600	\$500.00	\$506.00
01/28/2007	David Davies, Reading, KS	86	\$42,425.48	38,660	39,160	500	\$213.00	\$218.00
03/04/2007	David Davies, Reading, KS	106	\$57,488.98	48,380	48,600	220	\$90.00	\$92.20
Totals								
		1372	\$682,899.45	643,487	647,665	4178	\$7,017.31	\$7,059.09

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

Done at Washington, D.C.

this 30 day of April



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

Charles L. Kendall
Attorney for Complainant
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