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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- 0145
)	
Michael J. Seubert,)	
)	
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) Michael J. Seubert, doing business as Dorchester Hog Market, hereinafter referred to as the Respondent, is an individual whose mailing address is P.O. Box 38, Abbotsford, Wisconsin 54405.
- (b) At all times material herein, Respondent was:
 - (1) Engaged in the business of a dealer buying and selling livestock in commerce for his own account; and
 - (2) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce.

II

By certified letter dated May 20, 2008, Respondent was notified that the Packers and Stockyards Program had information indicating that Respondent's surety bond would terminate on June 13, 2008. The letter referenced §312 of the Act (7 U.S.C § 213) and section 201.29 of the Regulations (9 C.F.R § 201.29), and notified the Respondent of his obligation to secure a new bond or bond equivalent. The letter also stated that, unless Respondent provided proof of

suitable bond or bond equivalent with Packers and Stockyards Program, Respondent must discontinue all livestock operations for which bonding is required under the Act. The certified letter was delivered on May 23, 2008.

Notwithstanding such notice, Respondent continued to engage in the business of buying and selling livestock in commerce without maintaining an adequate bond 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 a dealer without maintaining adequate bond or bond equivalent.

Summary of Livestock Transactions

Purchase Date	Market	No. of Head	Amount
07/06/2008	Parks of Iowa - Ottumwa	107	\$6,903.70
07/06/2008	Parks of Minnesota	200	\$13,635.30
07/07/2008	Equity Cooperative - Sparta	15	\$899.80
07/08/2008	Dennis Lower Livestock	13	\$785.45
07/08/2008	Wiechman Pig Co., Inc.	284	\$21,161.00
08/28/2008	Knueppel Livestock & Order Buying, Inc.	1	\$185.59
09/01/2008	Parks of Minnesota	106	\$20,910.09
09/01/2008	Parks of Iowa - Ottumwa	116	\$20,373.24
09/02/2008	Equity Cooperative Livestock Sales Association	5	\$1,090.50
09/02/2008	Parks of Minnesota	100	\$19,463.66
09/03/2008	Parks of Minnesota	96	\$24,287.74
09/04/2008	Wiechman Pig Co., Inc.	105	\$23,765.30
TOTALS		1148	\$153,461.37

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 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, 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 assessing such penalties as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 30 day of June, 2009



Alan R. Christian
Deputy Administrator,
Packers and Stockyards Program

Charles Kendall
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Debbie Payne, Law Clerk Intern