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UNITED STATES DEPARTMENT OF AGRICULTURE OCT -2 AM 10: 29

BEFORE THE SECRETARY OF AGRICULTURE RECEIVED

In re:)	P. & S. Docket No. 10-0001
Richard Hale)	
)	
)	
)	
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 "Act"), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.; hereinafter "Regulations"), and, therefore, this complaint is issued alleging the following:

I.

- (a) Richard Hale (hereinafter "Respondent"), is an individual whose mailing address is 278 Highway 74, Twin Falls, Idaho 83301.
- (b) At all times material herein, Respondent was:
 - (1) Engaged in the business of buying and selling livestock in commerce as a dealer for his own account and for the account of others; and
 - (2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account and for the account of others.

II.

Respondent, in connection with his operations subject to the Act, on or about the dates

and in the transactions set forth in Appendix A and incorporated herein by reference, failed to pay the full amount of the purchase price for livestock within the time period required by the Act.

III.

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

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 in which to file an answer with the Hearing Clerk, 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 Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 *et seq.*; hereinafter "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.

The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (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 and the Regulations found to exist and suspending Respondent as a registrant under the Act, and assessing such civil penalty, as authorized by the

Act and warranted in the premises.

Done at Washington, D.C.

this 30 day of September, 2009



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program



Delisle Warden
Attorney for Complainant
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Appendix A

Seller	Purchase Date	Date Payment Due Per 409(a)	Number of Head	Livestock Amount	Payment Date	Days Late
Producers Livestock Marketing Association	7/1/2008	7/2/2008	67	\$10,106.85	7/9/2008	7
Producers Livestock Marketing Association	7/2/2008	7/3/2008	4	\$666.30	7/9/2008	6
Producers Livestock Marketing Association	7/8/2008	7/9/2008	87	\$7,751.68	7/11/2008	2
Producers Livestock Marketing Association	7/9/2008	7/10/2008	3	\$389.00	7/11/2008	1
Burley Livestock Auction, LLC	7/10/2008	7/11/2008	4	\$1,075.93	7/17/2008	6
Twin Falls Livestock Commission Co.	7/12/2008	7/14/2008	97	\$3,382.65	7/16/2008	2
Producers Livestock Marketing Association	7/15/2008	7/16/2008	62	\$5,391.70	7/23/2008	7
Producers Livestock Marketing Association	7/16/2008	7/17/2008	7	\$140.50	7/23/2008	6
Burley Livestock Auction, LLC	7/17/2008	7/18/2008	9	\$1,495.05	7/24/2008	6
Twin Falls Livestock Commission Co.	7/19/2008	7/21/2008	32	\$921.25	7/26/2008	5
Producers Livestock Marketing Association	7/22/2008	7/23/2008	41	\$8,297.18	7/30/2008	7

Seller	Purchase Date	Date Payment Due Per 409(a)	Number of Head	Livestock Amount	Payment Date	Days Late
Producers Livestock Marketing Association	7/23/2008	7/24/2008	5	\$1,208.25	7/30/2008	6
Twin Falls Livestock Commission Co	7/23/2008	7/24/2008	4	\$357.50	7/26/2008	2
Burley Livestock Auction, LLC	7/24/2008	7/25/2008	18	\$3,345.51	7/28/2008	3
Producers Livestock Marketing Association	7/29/2008	7/30/2008	71	\$6,333.05	8/6/2008	7
Producers Livestock Marketing Association	7/30/2008	7/31/2008	17	\$2,357.80	8/6/2008	6
Burley Livestock Auction, LLC	7/31/2008	8/1/2008	4	\$431.75	8/7/2008	6
Twin Falls Livestock Commission Co.	8/2/2008	8/4/2008	29	\$301.00	8/16/2008	12
Producers Livestock Marketing Association	8/5/2008	8/6/2008	51	\$8,823.78	8/13/2008	7
Producers Livestock Marketing Association	8/6/2008	8/7/2008	9	\$1,944.30	8/13/2008	6
Burley Livestock Auction, LLC	8/7/2008	8/8/2008	10	\$3,123.20	8/12/2008	4
Producers Livestock Marketing Association	8/12/2008	8/13/2008	80	\$6,426.45	8/20/2008	7
Producers Livestock Marketing Association	8/13/2008	8/14/2008	15	\$2,316.65	8/20/2008	6

Seller	Purchase Date	Date Payment Due Per 409(a)	Number of Head	Livestock Amount	Payment Date	Days Late
Twin Falls Livestock Commission Co.	8/13/2008	8/14/2008	4	\$866.25	8/16/2008	2
Burley Livestock Auction, LLC	8/14/2008	8/15/2008	3	\$172.50	8/21/2008	6
Twin Falls Livestock Commission Co.	8/16/2008	8/18/2008	8	\$490.00	9/1/2008	14
Producers Livestock Marketing Association	8/19/2008	8/20/2008	59	\$6,650.08	8/27/2008	7
Producers Livestock Marketing Association	8/20/2008	8/21/2008	21	\$6,158.46	8/27/2008	6
Twin Falls Livestock Commission Co.	8/20/2008	8/21/2008	5	\$498.35	9/1/2008	11
Burley Livestock Auction, LLC	8/21/2008	8/22/2008	8	\$1,828.75	8/28/2008	6
Producers Livestock Marketing Association	8/26/2008	8/27/2008	52	\$6,412.10	9/3/2008	7
Producers Livestock Marketing Association	8/27/2008	8/28/2008	12	\$2,358.80	9/3/2008	6
Producers Livestock Marketing Association	9/2/2008	9/3/2008	51	\$6,065.35	9/10/2008	7
Producers Livestock Marketing Association	9/3/2008	9/4/2008	13	\$1,912.60	9/10/2008	6
Producers Livestock Marketing Association	9/9/2008	9/10/2008	51	\$8,739.60	9/24/2008 & 10/1/2008	21

Seller	Purchase Date	Date Payment Due Per 409(a)	Number of Head	Livestock Amount	Payment Date	Days Late
Producers Livestock Marketing Association	9/10/2008	9/11/2008	18	\$2,353.65	9/24/2008	13
Burley Livestock Auction, LLC	9/11/2008	9/12/2008	4	\$185.25	9/14/2008	2
Producers Livestock Marketing Association	9/17/2008	9/18/2008	7	\$1,057.00	9/24/2008	6
Burley Livestock Auction, LLC	9/18/2008	9/19/2008	12	\$946.95	9/25/2008	6