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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

FILED 30

In re:)	P & S Docket No. 70-10-0151
)	
John Lundgren)	
)	
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) John Lundgren (hereinafter "Respondent") is an individual whose mailing address is a home address and is on file with the Hearing Clerk's Office, United States Department of Agriculture.

(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

(2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.

II.

Respondent, in connection with his operations subject to the Act, on or about the dates and in the transactions set forth below, failed to pay the full amount of the purchase price for

livestock within the time period required by the Act.

Seller	Purchase Date	Date Payment Due Per 409(a)	Payment Date	Days Late	Number of Head	Livestock Amount
Chehalis Livestock Market	2/29/2008	3/3/2008	3/16/2008	13	15	\$18,700.00
Chehalis Livestock Market	3/7/2008	3/10/2008	3/21/2008	11	4	\$3,015.00
Chehalis Livestock Market	3/8/2008	3/10/2008	3/12/2008	2	6	\$1,133.80
Chehalis Livestock Market	3/14/2008	3/17/2008	3/24/2008	7	4	\$5,275.00
Chehalis Livestock Market	3/21/2008	3/24/2008	3/30/2008	6	5	\$7,535.00
Chehalis Livestock Market	4/4/2008	4/7/2008	4/14/2008	7	5	\$4,545.50
Chehalis Livestock Market	4/11/2008	4/14/2008	4/21/2008	7	12	\$9,503.20
Chehalis Livestock Market	4/18/2008	4/21/2008	4/28/2008	7	8	\$10,900.00
Chehalis Livestock Market	4/25/2008	4/28/2008	5/6/2008	8	8	\$7,704.75
Chehalis Livestock Market	5/2/2008	5/5/2008	5/29/2008	24	6	\$8,195.00
Chehalis Livestock Market	5/16/2008	5/19/2008	5/28/2008	9	6	\$7,082.20
Chehalis Livestock Market	5/23/2008	5/27/2008	6/6/2008	10	4	\$2,566.90

Seller	Purchase Date	Date Payment Due Per 409(a)	Payment Date	Days Late	Number of Head	Livestock Amount
Chehalis Livestock Market	5/30/2008	6/2/2008	6/10/2008	8	7	\$6,855.95
Chehalis Livestock Market	6/6/2008	6/9/2008	6/16/2008	7	5	\$3,992.60
Chehalis Livestock Market	6/13/2008	6/16/2008	6/26/2008	10	7	\$5,054.30
Chehalis Livestock Market	6/20/2008	6/23/2008	7/9/2008	16	9	\$6,707.23
Chehalis Livestock Market	6/27/2008	6/30/2008	7/18/2008	18	2	\$2,425.00
Chehalis Livestock Market	7/11/2008	7/14/2008	7/22/2008	8	12	\$13,335.00

III.

On or about the dates and in the transactions set forth below, Respondent, issued checks in payment for livestock purchases and said checks were returned because Respondent failed to maintain sufficient funds on deposit at the relevant financial institution.

Seller	Purchase Date	Number. of Head	Check Date	Check Number	Check Amount	Date Returned
Chehalis Livestock Market	3/28/2008	9	4/7/2008	3561	\$8,449.00	4/11/2008
Chehalis Livestock Market	7/18/2008	17	7/28/2008	3602	\$22,151.65	8/7/2008

IV.

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

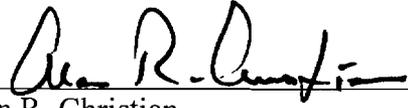
WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether Respondent has willfully violated the Act and the Regulations. Respondent shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing 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 3 day of March, 2010



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program



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