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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P. & S. Docket No. 12-0543
)	
Luke Kottke)	
)	
d/b/a Kottke 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.*), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*), and, therefore, this complaint is issued alleging the following:

I

(a) Respondent Luke Kottke is an individual who does business as Kottke Cattle Company and whose home address is in the State of Wisconsin. In order to protect the personal privacy of respondent Kottke, his home address is not included in this complaint but has been provided to the Hearing Clerk for the purpose of effectuating service of process.

(b) Respondent, doing business as Kottke Cattle Company, at all times material herein was:

- (1) Engaged in the business of a dealer buying and selling livestock in commerce;

(2) A dealer within the meaning of and subject to the provisions of the Act; and

(3) Not registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

II

On or about August 5, 2010, the Grain Inspection, Packers and Stockyards Administration (GIPSA) sent respondent a Notice of Default (NOD) by certified mail. The NOD was returned as "unclaimed" to GIPSA by the USPS on August 25, 2010. The NOD was then personally delivered to respondent by a GIPSA agent on November 18, 2010. The NOD stated that Kottke was engaged in the business of buying and selling livestock in commerce. The NOD informed respondent that buying and selling livestock in commerce without being properly registered with GIPSA and without filing a bond or bond equivalent are violations of the Act and regulations issued thereunder. The NOD informed respondent that failure to comply with the registration and bonding requirements would result in appropriate disciplinary action.

III

On or about the dates and in the transactions described in Appendices A, B and C, incorporated herein by reference, respondent engaged in the business of a dealer buying and selling livestock in commerce without maintaining a bond or bond equivalent.

IV

(a) On or about the dates and in the transactions set forth in Appendix A, respondent issued checks in payment for livestock purchases which were returned unpaid by the bank upon which they were drawn because respondent did not have and maintain sufficient funds on deposit and available in the account upon which the checks were drawn to pay them when presented.

(b) By reason of the facts alleged above in subsection (a) of this paragraph, respondent purchased livestock and failed to pay, when due, for such livestock.

(c) On about the dates and in the transactions set forth in Appendix A, respondent purchased livestock and failed to pay for such livestock.

(d) As of February 17, 2012, approximately \$45,457.90 remained unpaid by respondent for livestock purchases.

V

By reason of the facts alleged in paragraphs II and 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 and 201.30).

By reason of the facts alleged in paragraph IV, respondent has willfully violated sections 312(a) (7 U.S.C. § 213(a)) and 409 (7 U.S.C. § 228b) of the Act and section 201.43 of the regulations (9 C.F.R. § 201.43).

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, 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 proceedings under the Act (7 C.F.R. § 1.130 *et seq.*). 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.

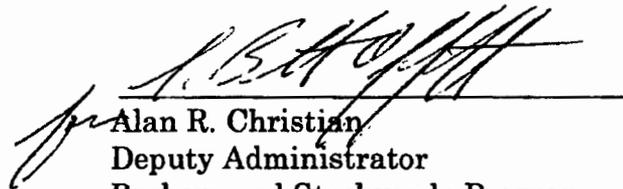
The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration requests:

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, prohibiting respondent from being registered and engaging in business in any capacity for which registration is required under the Act for a specified period of time, and assessing such civil penalties against respondent as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 25th day of July, 2012


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Deputy Administrator
Packers and Stockyards Program

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Appendix A

Purchase Date	Seller	Number of Head of Livestock Purchased	Net Invoice Amount	Check Amount	Payment Due Date per § 409 of the Act	Date Payment Made	Date Check Returned due to NSF
7/20/2011	Turenne Livestock Market	4	\$2,831.11	\$2,831.11	7/21/2011	7/20/2011	9/19/2011
7/25/2011	Turenne Livestock Market	22	\$15,731.61	\$15,731.61	7/26/2011	7/25/2011	8/29/2011
7/27/2011	Turenne Livestock Market	10	\$8,095.18	\$8,095.18	7/28/2011	7/27/2011	9/6/2011
12/27/2011	David Knudson	34	\$18,800.00	\$18,800.00	12/28/2011	12/27/2011	1/19/2012

Appendix B

Purchase Date	Number of Head of Cattle Purchased	Livestock Amount	Seller/Purchased From
6/29/2011	25	\$11,188.53	Equity Cooperative- Stratford
7/5/2011	14	\$6,996.56	Equity Cooperative- Stratford
7/6/2011	8	\$3,808.33	Equity Cooperative- Stratford
7/11/2011	18	\$12,393.98	Equity Cooperative- Stratford
7/11/2011	1	\$393.60	Turenne Livestock Market
7/12/2011	3	\$1,996.30	Equity Cooperative- Stratford
7/13/2011	16	\$1,124.40	Equity Cooperative- Stratford
7/13/2011	11	\$8,777.98	Turenne Livestock Market
7/18/2011	2	\$1,175.40	Turenne Livestock Market
7/18/2011	18	\$9,348.97	Equity Cooperative- Stratford
7/19/2011	4	\$2,333.08	Equity Cooperative- Stratford
7/20/2011	13	\$9,020.01	Equity Cooperative- Stratford

Appendix C

Sale/Byproduct Date	Number of Head of Cattle Sold	Livestock Amount Sold	Sold to
7/6/2011	8	\$4,220.78	Abbyland Foods, Inc.
7/12/2011	11	\$6,494.10	Abbyland Foods, Inc.
7/19/2011	12	\$7,156.41	Abbyland Foods, Inc.