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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-07-0062
Gary Thompson,)	
Respondent)	Complaint

There is reason to believe that the Respondent named herein has wilfully violated the Packers and Stockyards Act, as amended and supplemented (7 U.S.C. § 181 *et seq.*), hereinafter "the Act". Therefore, this complaint is issued alleging the following:

I

(a) Respondent Gary Thompson, hereinafter "Respondent", is an individual whose business address is P. O. Box 113, Pitkin, Louisiana 70656.

(b) Respondent is and at all times material herein was:

- (1) Engaged in the business of a dealer, buying and selling livestock in commerce for his own account, and of a clearing agency¹.
- (2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account and as a clearing agency.

II

(a) Respondent, on or about the dates and in the transactions set forth below, purchased livestock for his dealer operation and failed to pay, within the time period required by the Act, the full purchase price of such livestock.

¹ Respondent clears the livestock purchases of his sons Benson Wayne Thompson and Jacob Thompson, individually registered dealers who purchase livestock for Respondent.

Purchase Date	Livestock Seller	No. of Head	Livestock Amount	Date Payment Due per §409a	Date Checks Delivered & Deposited	Payment Amounts	No. of Days Late
1/10/05	Kinder Livestock Auction, Inc	203	\$91,460.60	1/11/05	1/18/05	\$114,389.70*	7
1/17/05	Kinder Livestock Auction, Inc	110	\$44,259.89	1/18/05	1/24/05	\$58,028.03*	6
1/24/05	Kinder Livestock Auction, Inc	96	\$46,759.17	1/25/05	2/04/05	\$59,389.46**	10
1/31/05	Kinder Livestock Auction, Inc	88	\$43,039.58	2/01/05	2/09/05 2/09/05 2/11/05	\$3,696.46 \$6,597.56 \$45,603.99*	8 8 10
2/21/05	Kinder Livestock Auction, Inc	124	\$56,756.09	2/22/05	2/28/05 3/04/05	\$55,883.98 \$24,596.90*	6 10
1/15/05	Miller Livestock Markets, Inc.	2	\$847.85	1/18/05	1/31/05	\$7,528.92*	13
2/19/05	Miller Livestock Markets, Inc.	16	\$7,573.38	2/22/05	3/07/05 3/07/05	\$5,484.76 \$2,088.62	13 13
1/11/05	Dominique's Livestock Market, Inc.	75	\$35,058.50	1/12/05	1/21/05	\$47,409.26*	9
1/12/05	Dominique's Livestock Market, Inc.	79	\$39,917.46	1/13/05	1/21/05	\$45,628.34*	8
1/18/05	Dominique's Livestock Market, Inc.	58	\$26,615.68	1/19/05	1/28/05	\$35,498.77**	9
1/25/05	Dominique's Livestock Market, Inc.	46	\$20,798.92	1/26/05	2/07/05	\$29,895.71**	12
1/26/05	Dominique's Livestock Market, Inc.	40	\$18,976.33	1/27/05	2/07/05	\$18,976.33	11
2/01/05	Dominique's Livestock Market, Inc.	21	\$10,825.08	2/02/05	2/16/05	\$10,825.08	14
2/02/05	Dominique's Livestock Market, Inc.	8	\$3,903.65	2/03/05	2/16/05	\$3,965.75	13
3/01/05	Dominique's Livestock Market, Inc.	53	\$26,822.88	3/02/05	3/15/05	\$27,214.33 ***	13
3/02/05	Dominique's Livestock Market, Inc.	21	\$15,996.25	3/03/05	3/15/05	\$16,135.45 ***	12
DEALER	TOTALS:	1,040	\$ 489,611.31				

* This payment included an amount that Respondent owed on additional livestock that Respondent purchased as a

farmer under the name Thompson Farms.

** This payment included a buyer's commission and an amount that Respondent owed on additional livestock that Respondent purchased as a farmer under the name Thompson Farms.

*** These total transaction amounts were taken from a third party check in the amount of \$91,881.77 on 3/15/05, after a third party check in the amount of \$58,829.40 that Respondent initially provided was returned unpaid on 3/14/05.

(b) Respondent regularly delivered livestock payment checks drawn on his checking account, or endorsed third party checks that Respondent had received in payment for livestock, to the three livestock markets identified above a week or more after the purchase of the livestock for which he was making payment despite having been put on notice by certified mail received December 23, 2003, that he was violating section 409(a) of the Act (7 U.S.C. § 228b(a)) by failing to make payment for livestock purchases made at another Louisiana livestock market by the close of the next business day following purchase and transfer of possession of such livestock. Although Respondent subsequently obtained a written credit agreement from that market, and from a number of other markets, Respondent failed to obtain written credit agreements from the three markets where he purchased livestock in the above transactions.

III

Respondent failed to keep accounts, records, and memoranda that fully and correctly disclosed all transactions involved in his business, as required under section 401 of the Act, including all livestock invoices and recap statements obtained in connection with the purchase of livestock, copies of all third party checks that were given to livestock sellers in payment for Respondent's livestock purchases, and a complete record showing the dates and amounts of all payments made for livestock purchases, including payments made using third party checks.

IV

By reason of the facts alleged in paragraph II herein, Respondent Gary Thompson has wilfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b).

By reason of the facts alleged in paragraph III herein, Respondent Gary Thompson has failed to meet the requirements of section 401 of the Act (7 U.S.C. § 221), and therefore has wilfully engaged in a violation of section 312(a) of the Act (7 U.S.C. § 213(a)).

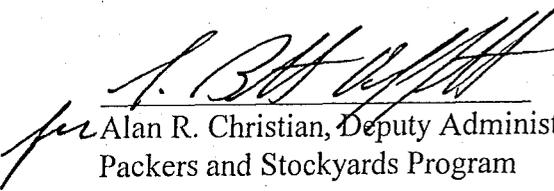
WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has, in fact, wilfully violated the Act, the complaint shall be served upon the Respondent. Respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice governing proceedings under the Act. Failure to file an answer shall 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 therefore, 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
2. That such order or orders be issued, including an order requiring Respondent to cease and desist with respect to the matters alleged herein, keep required records, and suspending Respondent as a registrant under the Act, and assessing such civil penalties, as are authorized by

the Act and warranted in the premises.

Done at Washington, D.C.
this 27th day of July, 2007


per Alan R. Christian, Deputy Administrator
Packers and Stockyards Program



Eric Paul
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