

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

P. & S. Docket No. D-07-0172  
RECEIVED

W.L. Sawyer, d.b.a. Sawyer Livestock Co.,

Respondent

Complaint

There is reason to believe that W.L. Sawyer, d.b.a. Sawyer Livestock Co. has willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181-229) ("Act") and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1-.200) ("Regulations"). Pursuant to the Rules of Practice governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130-.151) ("Rules of Practice"), the Deputy Administrator of the Packers and Stockyards Program alleges:

I.

(a) W.L. Sawyer, doing business as Sawyer Livestock Co., ("Mr. Sawyer") is an individual whose business mailing address is: P.O. Box 63, Albany, KY 42602, and whose business address is: 3503 Lakeside Ct., Somerset, KY 42501.

(b) Mr. Sawyer at all times material to this complaint was:

- (1) Engaged in the business of a dealer, buying and selling livestock in commerce for his own account;
- (2) Engaged in the business of a market agency, buying livestock in commerce on a commission basis;
- (3) Registered with the Secretary of Agriculture as a dealer to buy and sell

livestock in commerce and as a market agency, buying on commission.

II.

(a) The Complainant's Midwestern Regional Office sent a letter dated June 5, 2003, to Mr. Sawyer advising him that an investigation had indicated that Mr. Sawyer had failed to pay promptly for livestock purchases. The letter advised Mr. Sawyer that failures to pay promptly violates section 409 of the Packers and Stockyards Act (7 U.S.C. § 228b).

(b) The Complainant's Midwestern Regional Office sent a letter dated January 22, 2001, to Mr. Sawyer advising him that an investigation had indicated that Mr. Sawyer had failed to pay promptly for livestock purchases. The letter advised Mr. Sawyer that failures to pay promptly violates section 409 of the Packers and Stockyards Act (7 U.S.C. § 228b).

III.

(a) Mr. Sawyer, in connection with his operations subject to the Act, and in the transactions on or about the dates set forth below, failed to pay, when due, the full amount of the purchase price for livestock within the time period required by section 409 of the Act and the Regulations promulgated thereunder at 9 C.F.R. § 201.43.

Purchase Date	Seller	Livestock Amount (\$)	Date Payment Due	Date Of Payment	Days Late
1/22/2005	Lake Cumberland Livestock Market, West Somerset, KY ("Lake Cumberland")	\$55,078.74	1//24/2005	2/1/2005	8
1/29/2005	Lake Cumberland	\$23,887.66	1/31/2005	3/03/2005	31
2/05/2005	Lake Cumberland	\$13,929.68	2/07/2005	2/14/ 2005	7
2/12/2005	Lake Cumberland	\$82,656.33	2/14/2005	2/19/2005	5
2/19/2005	Lake Cumberland	\$19,520.95	2/22/2005	3/03/2005*	9
2/26/2005	Lake Cumberland	\$18,473.80	2/28/2005	3/03/2005*	3
3/05/2005	Lake Cumberland	\$8,986.00	3/07/2005	3/20/2005	13
3/19/2005	Lake Cumberland	\$66,799.59	3/21/2005	3/ 27/2005	6

Purchase Date	Seller	Livestock Amount (\$)	Date Payment Due	Date Of Payment	Days Late
3/26/2005	Lake Cumberland	\$29,886.68	3/28/2005	4/18/2005†	21
4/02/2005	Lake Cumberland	\$45,174.66	4/4/2005	4/18/2005†	14
4/09/2005	Lake Cumberland	\$17,820.68	4/11/2005	4/18/2005†	7
7/16/2005	Lake Cumberland	\$5,630.00	7/18/2005	8/18/2005‡	31
7/30/2005	Lake Cumberland	\$37,953.27	8/01/2005	8/18/2005‡	17
8/06/2005	Lake Cumberland	\$10,189.75	8/08/2005	8/18/2005‡	10
8/27/2005	Lake Cumberland	\$68,142.29	8/29/2005	9/12/2005	14
9/10/2005	Lake Cumberland	\$28,743.05	9/12/2005	9/30/2005□	18
9/17/2005	Lake Cumberland	\$20,746.11	9/19/2005	9/30/2005□	11
10/01/2005	Lake Cumberland	\$23,962.89	10/03/2005	10/17/2005 <sup>o</sup>	14
10/08/2005	Lake Cumberland	\$72,890.07	10/11/2005	10/17/2005 <sup>o</sup>	6
10/15/2005	Lake Cumberland	\$60,566.64	10/17/2005	11/1/2005**	15
10/22/2005	Lake Cumberland	\$59,776.41	10/24/2005	11/1/2005**	8
10/29/2005	Lake Cumberland	\$54,566.41	10/31/2005	11/12/2005††	12
11/05/2005	Lake Cumberland	\$64,535.41	11/7/2005	11/12/2005††	5
11/12/2005	Lake Cumberland	\$44,222.39	11/14/2005	12/3/2005‡‡	19
11/26/2005	Lake Cumberland	\$19,412.26	11/28/2005	12/3/2005‡‡	5
12/03/2005	Lake Cumberland	\$49,761.88	12/05/2005	12/23/2005□□	18
12/10/2005	Lake Cumberland	\$58,920.48	12/12/2005	12/23/2005□□	11
4/06/2005	Warren County Livestock Co. LP, McMinnville, TN ("Warren County")	\$76,669.21	4/07/2005	4/13/2005	6
7/14/2005	Warren County	\$45,581.25	7/15/2005	7/21/2005	6
8/17/2005	Warren County	\$107,421.34	8/18/2005	8/23/2005	5
8/24/2005	Warren County	\$63,468.25	8/25/2005	8/30/2005	5
9/15/2005	Warren County	\$123,229.89	9/16/2005	9/19/2005	3
10/27/2005	Warren County	\$95,785.19	10/28/2005	10/30/2005	2
11/16/2005	Warren County	\$37,671.15	11/17/2005	11/23/2005	6
02/02/2006	Warren County	\$172,492.46	2/03/2006	2/10/2006	7
4/05/2006	Warren County	\$65,422.21	4/06/2006	4/17/2006	9
1/20/2005	Wayne County Livestock Auction, Inc., Monticello, KY ("Wayne County")	\$5,330.90	1/21/2005	1/26/2005	5
2/03/2005	Wayne County	\$2,131.00	2/04/2005	2/10/2005	6
6/09/2005	Wayne County	\$2,945.25	6/10/2005	6/20/2005	10

Purchase Date	Seller	Livestock Amount (\$)	Date Payment Due	Date Of Payment	Days Late
7/28/2005	Wayne County	\$8,483.20	7/29/2005	8/03/2005	5
8/11/2005	Wayne County	\$20,470.56	8/12/2005	8/18/2005	6
9/08/2005	Wayne County	\$23,814.01	9/09/2005	9/15/2005	6
9/29/2005	Wayne County	\$11,978.89	9/30/2005	10/6/2005	6

\* Transactions paid with the same check.

† Transactions paid with the same check.

‡ Transactions paid with the same check.

□ Transactions paid with the same check.

◊ Transactions paid with the same check.

\*\* Transactions paid with the same check.

†† Transactions paid with the same check.

‡‡ Transactions paid with the same check.

□□ Transactions paid with the same check.

#### IV.

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

WHEREFORE, it is ordered that for the purpose of determining whether Mr. Sawyer has willfully violated the Act and the Regulations promulgated thereunder, this complaint shall be served upon Mr. Sawyer. Mr. Sawyer shall file an answer within 20 days with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice. 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 Mr. Sawyer 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 Mr. Sawyer to cease and desist from the violations found to exist and assessing such civil penalties as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 15 day of August, 2007



Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Program



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