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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
) P & S Docket No. D-10-0296
)
H.D. Edwards,)
)
)
Respondent) COMPLAINT

There is reason to believe that the Respondent named herein has willfully violated provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), hereinafter referred to as “the Act,” and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*), hereinafter referred to as “the regulations,” and therefore, this Complaint is issued alleging the following:

I.

(a) H.D. Edwards (hereinafter “Respondent”) is an individual whose business mailing address is P.O. Box 21, Marana, AZ 85653.

(b) At all times material herein, Respondent was:

- (1) operating as a dealer, buying and selling livestock in commerce for his own account; and
- (2) not registered, as required, as a dealer with the Secretary of Agriculture.

II.

On February 19, 2009, the Western Regional Office (“WRO”) of the Packers and Stockyards Program sent a Notice of Default (“NOD”) to Respondent via certified mail, advising

Respondent to comply with the registration and bonding provisions of the Act.¹ Specifically, the NOD advised Respondent to: (1) file a P&SP-1000 form, Application for Registration and (2) obtain a condition 2 bond or bond equivalent.

Notwithstanding such notice, Respondent continued to operate as a dealer, buying and selling livestock in commerce for his own account, without a bond or bond equivalent in violation of the Act and the regulations, as set forth below:

Purchase Date	No. of Head	Livestock Amount	Seller's Name
4/2/09	32	\$6,516.77	Wilcox Livestock Auction, Inc.
4/9/09	43	\$6,390.44	Marana Stockyards & Livestock Market, Inc.
4/23/09	8	\$1,869.70	Wilcox Livestock Auction, Inc.
4/29/09	21	\$2,979.35	Pacific Livestock Auction, LLC
4/30/09	57	\$9,202.93	Marana Stockyards & Livestock Market, Inc.
5/6/09	12	\$2,280.55	Pacific Livestock Auction, LLC
5/7/09	12	\$1,380.60	Wilcox Livestock Auction, Inc.
5/14/09	80	\$10,302.92	Marana Stockyards & Livestock Market, Inc.
5/27/09	11	\$1,545.75	Pacific Livestock Auction, LLC
5/28/09	57	\$13,442.34	Marana Stockyards & Livestock Market, Inc.
6/3/09	14	\$2,028.20	Pacific Livestock Auction, LLC

¹ The delivery receipt from the U. S. Postal Service shows that Cheri Lewis ("Lewis"), Respondent's girlfriend, signed for the NOD on February 24, 2009. On June 16, 2009, a WRO marketing specialist interviewed Respondent. Respondent contended that Lewis did not give the NOD to him although he acknowledged Lewis lived with him. The marketing specialist gave a copy of the NOD to Respondent at the time of the interview.

Sale/Invoice Date	No. Head Sold	Livestock Amount	Sold At
5/6/09	21	\$4,147.86	Pacific Livestock Auction, LLC
6/4/09	17	\$1,950.71	Wilcox Livestock Auction, Inc.
6/11/09	19	\$5,858.55	Marana Stockyards & Livestock Market, Inc.

III.

As of the date of the filing of this complaint, Respondent has not obtained a bond or bond equivalent, as required by the Act.

IV.

On or about the dates and in the transactions listed below, Respondent purchased livestock and failed to pay, when due, the full purchase price of such livestock:

Purchase Date	Seller's Name	Due Date	Date Paid	Check Number	Payment Amount	Days Late
4/8/09	Pacific Livestock Auction, LLC	4/9/09	4/25/09	1930	\$972.40	16
4/9/09	Marana Stockyards & Livestock Market, Inc.	4/10/09	4/30/09	1941	\$6,390.44	20
4/15/09	Pacific Livestock Auction, LLC	4/16/09	5/21/09	1936	\$1,093.43	35
4/22/09	Pacific Livestock Auction, LLC	4/23/09	5/1/09	1938	\$3,054.23	8
4/29/09	Pacific Livestock Auction, LLC	4/30/09	6/3/09	1940	\$2,979.35	34

Purchase Date	Seller's Name	Due Date	Date Paid	Check Number	Payment Amount	Days Late
4/30/09	Marana Stockyards & Livestock Market, Inc.	5/1/09	5/15/09	1950	\$9,202.93	14
5/6/09	Pacific Livestock Auction, LLC	5/7/09	5/8/09	1944	\$2,280.55	1
5/14/09	Marana Stockyards & Livestock Market, Inc.	5/15/09	5/25/09	1959	\$10,302.92	10
5/27/09	Pacific Livestock Auction, LLC	5/28/09	5/29/09	1958	\$1,545.75	1
5/28/09	Marana Stockyards & Livestock Market, Inc.	5/29/09	6/11/09	1968	\$8,000.00	13
5/28/09	Marana Stockyards & Livestock Market, Inc.	5/29/09	6/25/09	1972	\$5,442.34	27
6/3/09	Pacific Livestock Auction, LLC	6/4/09	7/10/09	1962	\$2,028.20	36
6/11/09	Marana Stockyards & Livestock Market, Inc.	6/12/09	6/25/09	1973	\$1,685.85	13

V.

By reason of the facts alleged in paragraphs II and III herein, Respondent has engaged in operations subject to the Act without maintaining an adequate bond or bond equivalent and has

willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)) and section 201.29 of the regulations (9 C.F.R. § 201.29).

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

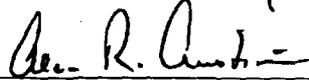
WHEREFORE, it is hereby ordered that this Complaint shall be served upon Respondent for the purpose of determining whether the Respondent has willfully violated the Act and the regulations issued thereunder. Respondent shall have twenty (20) days after receipt of this Complaint in which to file an answer 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 (7 C.F.R. § 1.130 *et seq.*; "Rules of Practice"). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer shall constitute an admission of all the material allegations of this Complaint.

The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), requests:

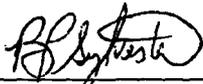
1. That unless Respondent fails to file an answer within the time allowed, or files an answer admitting all the material allegations of this Complaint, this proceeding be set for oral hearing in accord with the Rules of Practice governing proceedings under the Act.
2. That such order or orders be issued, including an order requiring Respondent, to cease and desist from the violations of the Act with respect to the matters alleged herein, and assessing such penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 26 day of May, 2010



Alan R. Christian
Deputy Administrator,
Packers and Stockyards Program



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