

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P & S Docket No. D-11- 0413
)	
David Ballou,)	
)	
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.*) (Act), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) (Regulations), and, therefore, this complaint is issued alleging the following:

I.

1. David Ballou (Respondent) is an individual. Respondent's mailing address is a home address, and will not be stated in this complaint to protect his privacy, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purposes of service of this complaint.
2. The Respondent at all times material herein was:
 - a. Engaged in the business of buying livestock in commerce on a commission basis; and
 - b. Not registered with the Secretary of Agriculture.

II.

On September 14, 2009, Respondent was notified by certified mail that the Packers and Stockyards Program had information indicating that Respondent was operating as a market agency without being registered and providing a bond. The letter referenced section 312 of the Act (7 U.S.C § 213) and section 201.29 of the Regulations (9 C.F.R § 201.29), and notified the

Respondent of his obligation to register and to secure a bond or bond equivalent. The letter also stated that unless Respondent provided proof of suitable bond or bond equivalent with the Packers and Stockyards Program, Respondent must discontinue all livestock operations for which bonding is required under the Act.

Notwithstanding such notice, Respondent continued to engage in the business of buying livestock in commerce on a commission basis without registering and maintaining an adequate bond as required by the Act and the regulations.

III.

On or about the dates and in the transactions set forth below, Respondent engaged in the business of a market agency without maintaining an adequate bond or bond equivalent.

Purchase Date	Purchased From	No. of Head	Commission Amount
09/30/2009	Wichita Livestock Sales Co., LLC Wichita Falls, TX	35	\$144.83
10/14/2009		17	\$81.03
10/28/2009		108	\$407.79
11/11/2009		58	\$231.29
12/9/2009		100	\$393.28
01/20/2010		285	\$1039.32
02/17/2010		132	\$531.60
03/03/2010		84	\$352.54
03/10/2010		28	\$131.41
03/17/2010		77	\$322.71
03/24/2010		17	\$73.18
03/31/2010		15	\$69.78
04/07/2010		21	\$ 67.82
04/14/2010		76	\$321.76
04/21/2010		41	\$176.10

IV.

By reason of the facts alleged in paragraph III of the complaint, the Respondent 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).

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. 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.*). 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; 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 Regulations found to exist, requiring that Respondent not engage in operations subject to the Act unless or until he is bonded as required by 7 U.S.C. § 204 of the Act, and assessing such civil penalty, as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 15 day of September, 2011



Alan R. Christian
Deputy Administrator,
Packers and Stockyards Program

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