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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

FILED

In re:

Michael R. Norris, d/b/a  
Broken Arrow Cattle Company,

Respondent

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P & S Docket No. D-11-0070

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.*; 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) Michael R. Norris, doing business as Broken Arrow Cattle Company, hereinafter referred to as "Respondent," is an individual whose mailing address is P.O. Box 325, Unionville, Missouri 63565.
- (b) At all times material herein, Respondent was:
  - 1) Engaged in the business of buying and selling livestock in commerce on a commission basis;
  - 2) Registered with the Secretary of Agriculture as a dealer; and
  - 3) At all times material to this complaint, operating as a dealer and market agency within the jurisdiction of the Secretary.

## II.

In a letter dated January 3, 2007, Respondent was notified by certified letter that the Packers and Stockyards Program had information indicating that Respondent's Letter of Credit ("LOC") would expire on February 8, 2007. The letter referenced 9 C.F.R. §§ 201.29 and 201.30 of the Regulations, which requires market agencies to file and maintain bonds and reminded the Respondent that violators are subject to disciplinary action under the Act. The letter also notified the Respondent that without the required bond coverage, its continuation of livestock purchases as a market agency would be a violation of 7 U.S.C § 213(a) of the Act. Respondent received the letter on January 8, 2007.<sup>1</sup>

Notwithstanding such notice, Respondent continued to engage in the business of buying and selling livestock on a commission basis without 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. The transactions occurred at three posted stockyards: (1) Chillicothe Livestock Market, Inc., Chillicothe, Missouri; (2) Brookfield Sale Company, Brookfield, Missouri; and (3) Lolli Brothers Livestock Market, Inc., Macon, Missouri.

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<sup>1</sup>Certified mail receipt number 70042510000098942191 signed by "Mike Norris" on January 8, 2007.

Purchased From	Purchase Date	No. of Head	Purchase Amount	Sale Date	Sold To	No. of Head	Commission Amount
Chillicothe Livestock Market, Inc.	12/1/2007	1	\$521.10	12/1/2007	Milan Livestock Auction	1	\$2.70
		16	\$9,744.28		Russ Klingner	16	\$47.98
		11	\$8,878.63		Roger Pearson; Doug Childers	11	\$47.43
		5	\$2,747.16		Wendell Fleshman	5	\$20.43
		4	\$2,394.00		Phil Fleshman	4	\$10.90
		Brookfield Sale Company	12/7/2007		32	\$15,432.69	12/7/2007
Lolli Brothers Livestock Market, Inc.	12/11/2007	36	\$20,770.25	12/11/2007	Roger Pearson, Doug Childers	12	\$35.10
					Phil Fleshman	24	\$67.65
<b>TOTALS</b>		<b>105</b>	<b>\$60,488.11</b>			<b>105</b>	<b>\$310.64</b>

IV.

By reason of the facts alleged in paragraph 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).

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 the Regulations. Respondent shall have twenty (20) days after receipt of this complaint to file an answer with the Hearing Clerk, United States Department of Agriculture,

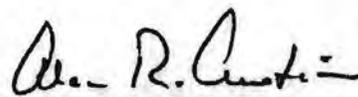
Washington D.C. 20250, in accordance with the Rules of Practice Governing Proceedings Under the Act (7 C.F.R. § 1.130 et seq.; "Rules of Practice"). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer will constitute an admission of all the material allegations of this complaint.

Packers and Stockyards Program, GIPSA, requests:

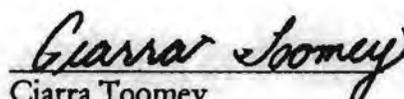
1. That unless Respondent fails to file an answer within the time allowed, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice; and
2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act found to exist, and assessing such civil penalty, as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 29 day of November, 2010



Alan R. Christian  
Deputy Administrator,  
Packers and Stockyards Program

  
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