

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P&S Docket No. D- 12-0134  
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)  
Glen Ratcliff, )  
)  
)  
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 - 229) (Act), and, therefore, this Complaint is issued alleging the following:

I.

(a) Glen Ratcliff, referred to herein as the Respondent, is an individual whose business mailing address is his home address in the State of Indiana. Respondent's address has been omitted from this Complaint in order to protect his personal privacy. Complainant has provided Respondent's address to the Hearing Clerk so that service can be effectuated.

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

1. Engaged in the business of a dealer buying and selling livestock in commerce for his own account; and
2. Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce.

## II.

(a) On or about the dates and in the transactions set forth below, Respondent failed to pay for livestock purchases within the time period required by the Act:

1. During the period of October 29, 2009 through January 7, 2010, Respondent failed to make timely payment for 90 head of cattle purchased at Deckers' Livestock Inc., in Milford, Illinois, in the total amount of \$52,467.67:

Purchase Date	No. of Head	Type of Livestock	Sale Price – Excluding Non-Livestock Charges	Credit Agreement	Payment Due Date Per 7 U.S.C. § 228b	Date Paid	No. of Days Payment Late
12/31/2009	9	CATTLE	\$4,754.48	NO	01/04/2010	Bond Payment of \$1,679.94 on 04/22/10	\$3,074.54 Unpaid as of 04/22/10
01/07/2010	16	CATTLE	\$7,548.15	NO	01/08/2010	Bond Payment of \$2,667.06 on 04/22/10	\$4,881.09 Unpaid as of 04/22/10
10/29/2009	9	CATTLE	\$6,715.87	NO	10/30/2009	11/06/2009	7
11/12/2009	12	CATTLE	\$8,669.40	NO	11/13/2009	11/20/2009	7
11/19/2009	17	CATTLE	\$12,615.45	NO	11/20/2009	12/18/2009	28
11/19/2009	26	CATTLE	\$11,145.59	NO	11/20/2009	12/04/2009	14
12/03/2009	1	CATTLE	\$1,018.73	NO	12/04/2009	12/18/2009	14
<i>Totals:</i>	90		\$52,467.67				\$7,955.63

2. During the period of November 3, 2009 through January 5, 2010, Respondent failed to make timely payment for 171 head of cattle purchased at Topeka Livestock Auction in Topeka, Indiana, in the total amount of \$147,103.87:

Purchase Date	No. of Head	Type of Livestock	Sale Price – Excluding Non-Livestock Charges	Credit Agreement	Payment Due Date Per 7 U.S.C. § 228b	Date Paid	No. of Days Payment Late
01/05/2010	23	CATTLE	\$16,631.33	NO	01/06/2010	Payment of \$620.98 on 01/13/10; Bond Payment of \$5,654.00 on 04/22/10	\$10,356.35 Unpaid

Purchase Date	No. of Head	Type of Livestock	Sale Price – Excluding Non-Livestock Charges	Credit Agreement	Payment Due Date Per 7 U.S.C. § 228b	Date Paid	No. of Days Payment Late
11/03/2009	37	CATTLE	\$33,361.67	NO	11/04/2009	11/12/2009	8
11/10/2009	28	CATTLE	\$21,162.24	NO	11/12/2009	11/19/2009	7
11/17/2009	27	CATTLE	\$25,421.58	NO	11/18/2009	12/03/2009	15
12/01/2009	24	CATTLE	\$18,529.19	NO	12/02/2009	12/16/2009	14
12/15/2009	26	CATTLE	\$25,763.45	NO	12/16/2009	01/07/2010	22
12/29/2009	6	CATTLE	\$6,234.41	NO	12/30/2009	01/07/2010	8
<i>Totals:</i>	171		\$147,103.87				\$10,356.35

3. During the period of November 4, 2009, through December 30, 2009, Respondent failed to make timely payment for 189 head of cattle purchased at Shiphewana Auction, Inc., in Shiphewana, Indiana, in the total amount of \$143,127.48:

Purchase Date	No. of Head	Type of Livestock	Sale Price – Excluding Non-Livestock Charges	Credit Agreement	Payment Due Date Per 7 U.S.C. § 228b	Date Paid	No. of Days Payment Late
11/04/2009	22	CATTLE	\$13,770.08	NO	11/05/2009	11/11/2009	6
11/11/2009	23	CATTLE	\$21,674.24	NO	11/12/2009	11/18/2009	6
11/18/2009	14	CATTLE	\$13,888.64	NO	11/19/2009	12/02/2009	13
12/02/2009	56	CATTLE	\$35,085.01	NO	12/03/2009	12/16/2009	13
12/16/2009	28	CATTLE	\$25,533.03	NO	12/17/2009	12/30/2009	13
12/30/2009	46	CATTLE	\$33,176.48	NO	12/31/2009	01/05/2010	5
<i>Totals:</i>	189		\$143,127.48				

(b) In total, Respondent failed to make timely payment for 450 head of cattle, in the amount of \$342,699.02, during the period of October 29, 2009, through January 7, 2010. As of April 22, 2010, \$18,311.98 of that amount remained unpaid.

### III.

Respondent, in connection with his operations subject to the Act, failed to keep and maintain records which fully and correctly disclose all of the transactions involved in his business as a dealer as required by section 401 of the Act (7 U.S.C. § 221).

Specifically, Respondent failed to keep and maintain bank statements for the accounts

used in his business, copies of returned checks, debit or credit memos, bank account reconciliations, a check register, deposit slips, and invoices.

#### IV.

By reason of the facts alleged in paragraphs II herein, Respondent has willfully 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 has willfully violated section 401 of the Act (7 U.S.C. § 221) by failing to keep and maintain records that fully and correctly disclose all transactions involved in his business.

WHEREFORE, it is hereby ordered that this Complaint shall be served on Respondent for the purpose of determining whether Respondent has willfully violated the Act. 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 Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.; hereinafter the "Rules of Practice"). Failure to file an answer shall constitute an admission of all the material allegations in this Complaint.

The Packers and Stockyards Program, 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.

2. That an order be issued requiring Respondent to cease and desist from the violations found to exist, suspending Respondent as a registrant under the Act, and assessing such civil penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 21 day of December 2011



Alan R. Christian  
Deputy Administrator,  
Packers & Stockyards Program

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