

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. D-12-0144
)
Nick Pesetsky and,)
Pesetsky Land and Cattle, LLC,)
)
Respondent) Complaint

There is reason to believe that the Respondents named herein have willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.), (Act), and, therefore, this Complaint is issued alleging the following:

I

(a) Nick Pesetsky is an individual who is the 100% owner of Pesetsky Land and Cattle, LLC, a corporation organized and existing under the laws of the state of Oklahoma. Taken together, Nick Pesetsky and Pesetsky Land and Cattle, LLC are herein referred to as the Respondents. Respondents' business mailing address is the home address of Nick Pesetsky. In order to protect the personal privacy of Respondents, Complainant is not providing the principal's address in this Complaint, but Complainant has provided the address to the Hearing Clerk so that service can be effected.

(b) The Respondents, at all times material herein, were:

- (1) Engaged in business as a dealer buying and selling livestock in commerce for its own account; and
- (2) Not registered, as required, as a dealer to buy and sell livestock in commerce on a commission basis, with the Secretary of Agriculture.

II

On or about the dates and in the transactions set forth set forth in Appendix A, Respondent both failed to pay the full purchase price of such livestock and failed to pay, when due, for such livestock purchases.

III

On or about the dates and in the transactions set forth in Appendix B, Respondent engaged in the business of a dealer without maintaining an adequate bond or bond equivalent.

IV

By reason of the facts alleged in paragraphs II and III of the Complaint, the Respondents have willfully violated sections 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 for the purpose of determining whether the Respondents have in fact willfully violated the Act, this Complaint shall be served upon the Respondents. The Respondents 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 proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, requests:

1. That unless the Respondents fail to file an answer within the time allowed therefor, 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; and

2. That such order or orders be issued, including an order requiring the Respondents 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 22 day of December 2011



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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