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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-12-0171
)
)
)
Mark K. Holder,)
d/b/a Mark Holder Livestock)
)
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, therefore, this complaint is issued alleging the following:

I

(a) Mark K. Holder d/b/a Mark Holder Livestock (Respondent) is an individual whose business address is 809 Royal Elm Circle, Hartsville, TN 37074 and whose mailing address is P.O. Box 49, Hartsville, TN 37074.

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

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

II

(a) Respondent, on or about the dates and in the transactions set forth in Appendix A and incorporated herein by reference, issued checks in payment for livestock purchases which checks were returned unpaid by the bank upon which they were drawn

because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which the checks were drawn to pay the checks when presented.

(b) Respondent, on or about the dates and in the transactions set forth in Appendix B and incorporated herein by reference, purchased livestock and failed to pay, within the time period required by the Act, the full purchase price of such livestock.

(c) Respondent, on or about the dates and in the transactions set forth in Appendix C and incorporated herein by reference, purchased livestock and failed to pay the full purchase price of such livestock.

III

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

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.

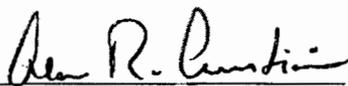
Packers and Stockyards Program, GIPSA, requests:

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, suspending Respondent as a

registrant under the Act, and assessing such civil penalties against Respondent as are authorized by the Act and warranted in the circumstances.

Done at Washington, D.C.

this 9 day of January, 2012



ALAN R. CHRISTIAN
Deputy Administrator
Packers and Stockyards Program

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Appendix A

Mark K. Holder
 Schedule of Checks Returned Unpaid for Livestock

PURCHASED FROM	PURCHASE DATE	NO. OF HEAD	LIVESTOCK AMOUNT	CHECK DATE	CHECK NUMBER	CHECK AMOUNT
Smith County Commission Co.	9/6/08	39	\$19,722.91	9/6/08	7481	\$9,915.48
	9/20/08	22	\$9,824.83	9/20/08	5412	\$9,877.68
	9/27/08	27	\$12,774.15	9/27/08	5414	\$12,850.45
Browning's Livestock Market	7/31/08	36	\$17,183.57	9/26/08	7480	\$7,183.57
People's Stockyards	3/9/10	90	\$35,432.33	3/9/10	7893	\$12,539.33
	3/23/10	97	\$40,855.20	3/23/10	7904	\$8,376.10
TOTALS		311	\$135,792.99			\$60,742.61

Appendix B

Mark K. Holder

Schedule of Failure to Pay within time period required by the Act for Livestock

Seller's Name	Purchase Date	No. of Head	Livestock Amount	Due Date	Check Date(s)	Check No	Check Total	Deposit Date(s) ¹	Days Late ²
Farmers Livestock Market of Glasgow	3/2/2010	10	3,053.80	3/3/2010	3/2/2010	7883	3,191.05	3/18/2010	15
	3/9/2010	8	2,660.65	3/10/2010	3/9/2010	7895	2,797.65	3/22/2010	12
	4/20/2010	24	15,726.75	4/21/2010	4/20/2010	7928	15,726.75	4/26/2010	5
	4/26/2010	12	8,535.25	4/27/2010	4/26/2010	7941	8,535.25	5/4/2010	7
Kentucky-Tennessee Livestock Market, Inc.	3/4/2010	70	35,849.30	3/5/2010	3/4/2010	5635	22,910.18	3/12/2010	7
						7888	12,939.12		
	3/11/2010	35	18,094.09	3/12/2010	3/11/2010	5641	9,579.65	3/19/2010	7
						7894	8,514.44		
	3/18/2010	30	18,409.91	3/19/2010	3/18/2010	5646	10,596.21	3/26/2010	7
						7899	7,813.70		
	3/25/2010	49	27,913.78	3/26/2010	3/25/2010	5654	14,030.70	4/2/2010	7
						7905	13,883.08		
	4/1/2010	57	33,873.57	4/2/2010	4/1/2010	5659	26,011.01	4/9/2010	7
						7909	7,862.56		
	4/8/2010	44	26,994.39	4/9/2010	4/8/2010	5672	20,479.46	4/16/2010	7
						7913	6,514.93		
	4/15/2010	66	44,464.83	4/16/2010	4/15/2010	5678	22,639.80	4/23/2010	7
						7927	21,825.03		
	4/22/2010	123	76,288.64	4/23/2010	4/22/2010	5684	35,926.75	4/28/2010	5
						1221	4,042.30	4/29/2010	6
5685						6,418.50	4/30/2010	7	
7934						29,242.04	4/30/2010	7	
4/29/2010	75	45,445.14	4/30/2010	4/29/2010	5794	659.05	5/5/2010	12	
					5689	22,024.66	5/7/2010	7	
					7943	15,801.48	5/7/2010	7	
					7944	7,619.00	5/10/2010	10	
Mid-South Livestock Center, LLC	3/29/2010	3	1,950.05	3/30/2010	3/29/2010	5658	1,950.05	4/10/2010	11
TOTALS		606	\$359,260.15				\$359,534.40	Average Days Late	8

¹ Date payment received by and deposited by market agency because Respondent held payment.

² Number of Days Between Due Date and Date Deposited by Market Agency

Appendix C

**Mark K. Holder
Schedule of Failure to Pay for Livestock**

PURCHASED FROM	NO. OF HEAD	LIVESTOCK AMOUNT	PURCHASE DATE	DUE DATE PER § 409	TOTAL AMOUNT PAID	UNPAID BALANCE
Smith County Commission Co.	39	\$19,722.91 ³	9/6/08	9/8/08	\$24,858.89	\$17,700.20
	22	\$9,824.83 ⁴	9/20/08	9/22/08		
	27	\$12,774.15 ⁵	9/27/08	9/29/08		
Browning's Livestock Market	36	\$17,183.57	7/31/08	8/1/08	\$8,009.24	\$61,032.62
	67	\$33,239.44	8/21/08	8/22/08		
	34	\$18,618.85	9/3/08	9/4/08		
TOTALS	225	\$111,363.75			\$32,868.13	\$78,732.82

³ Net invoice adjustments totaled \$108.05, bringing the Net Invoice total to \$19,830.96.

⁴ Net invoice adjustments totaled \$52.85, bringing the Net Invoice total to \$9,877.68.

⁵ Net invoice adjustments totaled \$76.30, bringing the Net Invoice total to \$12,850.45.