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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE
FILED

In re:) P & S Docket No. 12- 0475
)
West Coast Commodities, LLC,)
dba M. Partlow Co.,)
)
and)
)
Michael Paul Partlow,)
)
)
Respondents) Complaint

There is reason to believe that the respondents named herein have willfully violated provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181 *et seq.*), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. §§ 201.1 *et seq.*), and, therefore, this complaint is issued alleging the following:

I

(a) Respondent West Coast Commodities, LLC, doing business as M. Partlow Co., referred to herein as the respondent corporation, is a corporation organized under the laws of the State of Oregon, with its principal place of business located at 1720 SW 4th Ave., Portland, Oregon 97201.

(b) Respondent Michael Paul Partlow, referred to herein as respondent Partlow, is an individual with a business mailing address of 1720 SW 4th Ave., Portland, Oregon 97201.

(c) Respondent corporation, under the direction, management, and control of respondent Partlow is, and at all times material herein was:

- (1) Engaged in the business of a dealer buying and selling livestock in commerce;
 - and
 - (2) Not registered or bonded with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.
- (d) Respondent Partlow is, and at all times material herein was:
- (1) President and sole owner of respondent corporation;
 - (2) Responsible for the direction, management and control of respondent corporation.
- (e) Respondent Partlow is, and at all times material herein was:
- (1) Engaged in the business of a dealer buying and selling livestock in commerce;
 - and
 - (2) Not registered or bonded with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

II

On November 30, 2009, the Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA) sent respondent Partlow a Notice of Default (NOD) by certified mail. The NOD was claimed and signed for by respondent on December 7, 2009. The NOD notified the respondent of his obligation to file an application for registration and to secure a bond or bond equivalent if he wished to engage in the business of buying and selling livestock in interstate commerce. The NOD also informed the respondent that engaging in business in any capacity that is subject to the Act without being properly registered with GIPSA and without filing a bond or bond equivalent is a violation of the Act and regulations and could subject him to disciplinary action.

III

During the period from August 9, 2010, through August 4, 2011, in approximately eighteen transactions involving their purchase of a total of 1,405 head of livestock from Hub City Livestock Auction, Inc. in Aberdeen, SD, Rory Zweifel in Gering, NE, Circle Five Beef, Inc. in Henderson, NE, Ollerich Livestock, LLC in Hartford, SD, Alan Mitchek Feed & Grain in Sterling, CO, Lincoln Provision, Inc. in Chicago, IL, Nathan Tentinger in Cleighorn, IA, and Decatur County Feed Yard in Oberlin, KS, for a total purchase price of \$1,882,587.50, the respondents engaged in the business of a dealer buying and selling livestock in commerce without being registered with the Secretary and without maintaining an adequate bond or bond equivalent.

IV

In thirteen of the transactions referenced in paragraph III, the respondents purchased livestock in the amount of approximately \$1,530,472.24 and failed to pay, when due, the full amount of the purchase prices within the time period required by the Act.

V

In one of the transactions referenced in paragraph IV, on April 5, 2011, the respondents issued a check in the amount of \$175,496.96 in payment for livestock purchased from Ollerich Livestock, LLC, and the check was returned unpaid by the bank because respondents failed to have and maintain sufficient funds on deposit and available in the account upon which the check was drawn to pay the check when presented for payment.

VI

Respondents, in connection with their operations subject to the Act, failed to keep and maintain records which fully and correctly disclosed all the transactions involved in their business as a dealer as required by section 401 of the Act (7 U.S. C. § 221). Specifically, respondents failed to keep and maintain all bank statements, bank advances, canceled checks, deposit slips, invoices, contracts, scale tickets, kill sheets, and other documents permitting the tracing of all payments made and received for livestock purchases and sales.

VII

By reason of the facts alleged in paragraph III above, respondents 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).

By reason of the facts alleged in paragraphs IV and V, respondents willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b), and section 201.43 of the regulations (9 C.F.R. § 201.43).

By reason of the facts alleged in paragraph VI, respondents violated section 401 of the Act (7 U.S.C. § 221).

WHEREFORE, it is hereby ordered that this Complaint shall be served upon respondents for the purpose of determining whether respondents have willfully violated the Act and regulations. Respondents shall have twenty (20) days after receipt of this Complaint in which to file an answer with the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9200, 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 will constitute an admission of all the material allegations of this Complaint.

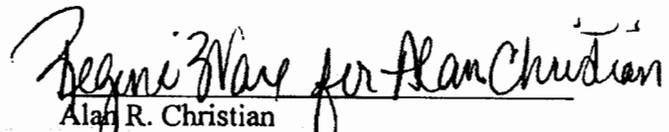
The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards

Administration requests:

1. That unless respondents fail to file an answer within the time allowed, or file 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 respondents to cease and desist from the violations of the Act and the regulations found to exist, requiring that Respondents not engage in operations subject to the Act unless or until they are adequately bonded as required by 7 U.S.C. § 204 of the Act, requiring that Respondents keep records as required by the Act and prescribing the manner and form such records shall be kept, and assessing such civil penalties against respondent as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 15 day of June, 2012


Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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