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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P & S Docket No. D-12-0050  
 )  
 North American Bison Cooperative, )  
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 )  
 and )  
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 )  
 North Dakota Natural Beef, LLC, )  
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 )  
 Respondents ) Complaint and Notice of Hearing

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.), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.), and, therefore, this Complaint and Notice of Hearing is issued alleging the following:

I.

- (a) Respondent North American Bison Cooperative is a cooperative organized under the laws of the State of North Dakota, with its principal place of business located at 1909 Great Northern Drive, Fargo, ND, 58102.
- (b) Respondent North Dakota Natural Beef, LLC, is a limited liability company organized under the laws of the State of North Dakota, with its principal place of business located at 1909 Great Northern Drive, Fargo, ND, 58102.

(c) Respondent North American Bison Cooperative, at all times material herein, operated as respondent North Dakota Natural Beef, LLC, and respondents possessed common ownership and management. Respondents also operated as and are known as Dakota Farms.

(d) Respondents at all times material herein:

- (1) Engaged in the business of buying livestock in commerce for the purposes of slaughter;
- (2) Engaged in the business of manufacturing or preparing meat and meat food products for sale or shipment in commerce;
- (3) Had average annual purchases of livestock exceeding \$500,000;
- (4) Operated as packers within the meaning of and subject to the provisions of the Act.

## II.

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

## III.

On or about the dates and in the transactions set forth in Appendix B, respondents purchased livestock and failed to pay the full purchase price of such livestock. As of the date of the issuance of this complaint, respondents owe

approximately \$421,132.52 to livestock sellers

IV.

By reason of the facts alleged in paragraphs I, II, and III of this Complaint and Notice of Hearing, respondents willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a) and 228b).

WHEREFORE, it is hereby ordered that this Complaint and Notice of Hearing shall be served upon the 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 and Notice of Hearing 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 and Notice of Hearing.

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 and

Notice of Hearing, 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, and assessing such civil penalties against respondents as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 4 day of November, 2011



Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Program  
Grain Inspection, Packers and Stockyards  
Administration

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Appendix A

Purchased From	Purchase Date	No. of Head of Cattle	Invoice Amount	Payment Date	Payment Due Date per §409	Days late
Myron Ruff	1/11/2010	44	\$57,831.43	1/14/2010	1/12/2010	2
Steve Moch	1/11/2010	7	\$9,807.17	1/14/2010	1/12/2010	2
DBL Peterson	2/1/2010	42	\$49,825.80	2/15/2010	2/2/2010	13
Josh Alsager	2/8/2010	13	\$46,849.63	2/22/2010	2/9/2010	13
Josh Alsager	2/9/2010	27	\$46,849.63	2/22/2010	2/10/2010	12 <sup>1</sup>
John Gasal	2/9/2010	48	\$56,173.78	2/22/2010	2/10/2010	12
Josh Alsager	2/16/2010	80	\$98,896.55	3/1/2010	2/17/2010	12 <sup>2</sup>
Myron Ruff	2/22/2010	37	\$32,300.45	3/9/2010	2/23/2010	14
Myron Ruff	2/23/2010	3	\$3,937.25	3/9/2010	2/24/2010	13
Steve Moch	2/23/2010	7	\$10,254.95	3/9/2010	2/24/2010	13
Josh Alsager	2/24/2010	36	\$47,358.85	3/9/2010	2/25/2010	12
Layne Nelson	3/1/2010	40	\$57,805.00	3/15/2010	3/2/2010	13
Josh Alsager	3/1/2010	45	\$52,346.35	3/15/2010	3/2/2010	13
Josh Alsager	3/8/2010	40	\$52,462.55	3/22/2010	3/9/2010	13
Myron Ruff	3/10/2010	50	\$72,874.39	3/22/2010	3/11/2010	11
Josh Alsager	3/15/2010	21	\$29,562.09	3/29/2010	3/16/2010	13
Layne Nelson	3/15/2010	11	\$12,796.99	3/29/2010	3/16/2010	13
Lincoln Provision	8/2/2010	42	\$59,480.62	8/12/2010	8/3/2010	9
Dennis Amick	8/2/2010	84	\$113,492.11	8/16/2010	8/3/2010	13
Lincoln Provision	8/3/2010	42	\$59,914.24	8/16/2010	8/4/2010	12
Josh	8/9/2010	45	\$54,294.41	8/23/2010	8/10/2010	13

<sup>1</sup> Respondents reimbursed Josh Alsager for the livestock purchased on 2/8/2010 and 2/9/2010 in one check issued on 2/22/2010, and issued one invoice including the total amount being paid for both dates' livestock purchases.

<sup>2</sup> Respondents reimbursed Josh Alsager for the livestock purchased on 2/16/2010 with two separate checks, \$81,672.45 and \$17,224.10, respectively.

Alsager						
Dennis Amick	8/9/2010	40	\$50,836.50	8/23/2010	8/10/2010	13
Lincoln Provision	8/9/2010	42	\$58,218.19	9/3/2010	8/10/2010	24
Lincoln Provision	8/10/2010	42	\$58,777.38	9/3/2010	8/11/2010	23
Lincoln Provision	8/16/2010	75	\$103,051.63	9/1/2010	8/17/2010	15
Josh Alsager	8/16/2010	45	\$54,590.30	9/1/2010	8/17/2010	15
Brad Brunner	8/17/2010	42	\$52,374.30	8/26/2010	8/18/2010	8
Lincoln Provision	8/23/2010	80	\$109,058.83	9/7/2010	8/24/2010	14
Lincoln Provision	8/30/2010	121	\$168,838.59	9/17/2010	8/31/2010	17
Josh Alsager	8/31/10	45	\$56,061.25	9/9/10	9/1/10	8
Lloyd Wieland	8/31/10	25	\$37,236.70	9/9/10	9/1/10	8
Kevin Smith	8/31/10	3	\$3,561.35	9/9/10	9/1/10	8

**Appendix B**

<b>Purchased From</b>	<b>Harvest Date</b>	<b>No. of Head of Cattle</b>	<b>Payment Due Date per \$409</b>	<b>Outstanding Net Amount Due Seller</b>
Gayne Gasal	9/13/2010	48	9/16/2010	\$65,739.60
Gayne Gasal	9/14/2010	9	9/17/2010	\$12,714.61
Myron Ruff	9/27/2010	50	9/30/2010	\$64,909.25
Josh Alsager	9/27/2010	68	9/30/2010	\$85,172.58
Adam Ruff	9/27/2010	6	9/30/2010	\$6,971.02
Josh Alsager	9/28/2010	23	10/1/2010	\$27,533.14
Adam Ruff	10/4/2010	13	10/7/2010	\$17,984.07
Lloyd Weiland	10/4/2010	48	10/7/2010	\$68,260.12
Myron Ruff	10/4/2010	32	10/7/2010	\$37,776.63
Josh Alsager	10/11/2010	67	10/14/2010	\$84,071.50