



II

(a) On October 5, 2010, the respondent issued a check that was returned unpaid by the bank upon which it was drawn in the amount of \$4,348.25 to Hilliard-McKettick Investments Inc., dba Arcadia Livestock, of Arcadia, Florida, for livestock purchases the respondent made on September 20, 2010, and September 22, 2010. The respondent thus failed to have and maintain sufficient funds on deposit and available in the account upon which such check was drawn to pay such check when presented.

(b) By issuing the check that was returned unpaid by the bank upon which it was drawn on the date referenced in paragraph II (a) of this complaint, the respondent also failed to pay, when due, the full amount of the livestock purchase prices within the time period required by the Act.

(c) The amount referred to in paragraph II (a) above was paid in full by respondent on October 12, 2010.

III.

(a) On or about the dates and in the transactions set forth below, respondent purchased livestock from Hilliard-McKetrick Investments, Inc, dba Arcadia Stockyard, of Arcadia, Florida, and failed to pay when due for the livestock purchases:

<u>PURCHASE DATE</u>	<u>AMOUNT</u>	<u>DUE DATE</u>	<u>PAYMENT DEPOSIT DATE BY HAND DELIVERY</u>
9/27/10	\$1,799.25	9/28/10	10/7/10
9/29/10	\$1,320.20	9/30/10	10/7/10
10/4/10	\$1,214.80	10/5/10	10/15/10
10/6/10	\$4,302.38	10/7/10	10/15/10

(continued)

<u>PURCHASE DATE</u>	<u>AMOUNT</u>	<u>DUE DATE</u>	<u>PAYMENT DEPOSIT DATE BY HAND DELIVERY</u>
10/11/10	\$2,088.15	10/12/10	10/22/10
10/13/10	\$3,404.83	10/14/10	10/22/10
10/18/10	\$713.65	10/19/10	10/29/10
10/20/10	\$1,157.68	10/21/10	10/29/10
10/25/10	\$497.25	10/26/10	11/5/10
10/27/10	\$3,797.68	10/28/10	11/5/10
11/1/10	\$1,456.55	11/2/10	11/12/10
11/3/10	\$3,343.15	11/4/10	11/12/10
11/10/10	\$2,110.25	11/11/10	11/19/10
11/15/10	\$1,518.58	11/16/10	12/6/10
11/17/10	\$3,717.45	11/18/10	12/6/10

(b) As of the date of issuance of this complaint, none of the amounts described in paragraph III (a) remains unpaid by the respondent.

#### IV.

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

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and regulations issued thereunder, this complaint shall be served upon the respondent. The respondent shall have twenty (20) days following receipt of this complaint to file an answer with the Hearing Clerk, Room 1031 - South Building,

United States Department of Agriculture, 1400 Independence Ave., S.W., Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing the 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 in this complaint and a waiver of hearing.

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

- (1) That unless the 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 an order be issued requiring the respondent to cease and desist from the violations of the Act and the regulations found to exist and assessing civil penalties against the respondent in accordance with the Act and as warranted by the facts and circumstances of this case.

Done at Washington, D.C.

this 17 day of July, 2012

 Alan R. Christian

Deputy Administrator  
Packers and Stockyards Program

Rick D. Herndon  
Attorney for the Complainant

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