

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

OFFICE OF THE SECRETARY
212 JUL 06 11 03 AM '10
FBI

In re:) P&S Docket No. 12-0551
)
)
Jeremy Emerson,)
)
)
Respondent) Complaint

There is reason to believe that the respondent named herein has willfully violated the Packers & 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 Jeremy Emerson, referred to herein as the respondent, is an individual whose current address is in the State of Oklahoma. His address will not be stated in the complaint to protect his privacy but will be provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service of this complaint.

(b) Respondent 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 with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

II

On May 20, 2010, the Grain Inspection, Packers & Stockyards Administration sent the respondent a Notice of Default notifying him of his obligation to file an application for

U.S. DEPARTMENT OF AGRICULTURE
OFFICE OF THE GENERAL COUNSEL
702 JUL 26 11 12 AM '12
FBI

July 26, 2012

Hearing Clerk
United States Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Subject: In re: Jeremy Emerson
P&S Docket No. D-12-0551

Dear Hearing Clerk:

The address where documents are to be served on Jeremy Emerson is the home address of Mr. Emerson. In order to protect the privacy of personally identifiable information regarding Mr. Emerson, the address was not included in the Complaint. Therefore, I have provided you with Mr. Emerson's home address below.

Jeremy Emerson
Rt. 2 Box 2245
Checotah, OK 74426

In case of any request for the record in this case, or in response to any Freedom of Information Act (FOIA) request, please protect this personally identifiable information to the maximum extent permitted by law.

Please let me know if you need any further information.

Thank you in advance,

Thomas N. Bolick
Attorney of Complainant
Office of the General Counsel, USDA
Regulatory Division
1400 Independence Avenue, S.W.
Room 2319, South Building
Washington, D.C. 20250
(202) 690-2032

registration and to secure a bond if he wished to engage in the business of buying and selling livestock in interstate commerce. The Notice of Default also informed the respondent that engaging in business in any capacity that is subject to the Act without complying with the registration provisions of the Act and without filing an adequate bond or bond equivalent is a violation of the Act and regulations and could subject him to disciplinary action.

III

During the period from May 1, 2010, through September 13, 2011, in twenty three transactions involving his purchase of a total of 666 head of livestock from MCCS, Inc. d/b/a Leflore County Livestock Auction in Wister, Oklahoma (hereinafter, Leflore County Livestock Auction), Poor Boy Livestock Auction in Wister, Oklahoma, and Checotah Stockyards in Checotah, Oklahoma, for a total purchase price of \$56,284.68, the respondent engaged in the business of a dealer buying and selling livestock in commerce without being registered with the Secretary and maintaining an adequate bond or bond equivalent.

IV

- (a) In five of the transactions referenced in paragraph III, the respondent issued checks in the amount of \$12,784.06 in payment for livestock purchased from Leflore County Livestock Auction and Checotah Livestock Auction, which were returned unpaid by the bank because respondent failed to have and maintain sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented for payment.
- (b) By issuing four of the insufficient funds checks referenced above, the respondent also failed to pay, when due, the full amount of the livestock purchase price.
- (c) In one of the transactions referenced in paragraph IV(a) and five additional transactions

referenced in paragraph III, all involving livestock purchases from Leflore County Livestock Auction, the respondent failed to pay the full purchase price of the livestock. As of the date of the filing of this complaint, the respondent has failed to pay Leflore County Livestock Auction \$6,442.47 for these purchases.

V

By reason of the facts alleged in paragraphs II and III, the respondent 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 paragraph IV, the respondent 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).

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 requests:

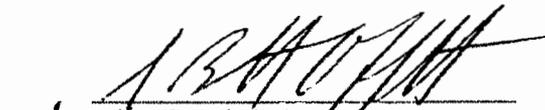
1. That unless the respondent fails to file an answer within the time allowed, or files an answer admitting all the material allegations of this complaint, this proceeding be set

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, prohibiting respondent from being registered for a specified period, prohibiting respondent from engaging in business in any capacity for which registration and bonding are required under the Act without being properly registered and bonded, and assessing such civil penalties against the respondent as are authorized by the Act and warranted by the facts and circumstances of this case.

Done at Washington, D.C.

this 26th day of July, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

Thomas N. Bolick
Attorney for the Complainant
U.S. Department of Agriculture
Office of the General Counsel—Marketing, Regulatory, and Food Safety Programs Division
Room 2319, South Building
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250-1400
Telephone: (202) 690-2032

Hansen
Montgomery