

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P&S Docket No. D-12- 06/16
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)
Billy Tackett,)
)
)
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) Billy Tackett, referred to herein as the respondent, is an individual with a mailing address of P.O. Box 7, Collinsville, Oklahoma 74021.
- (b) The 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

- (a) On January 12, 2011, the Grain Inspection, Packers & Stockyards Administration sent respondent a Notice of Default notifying him of his obligation to file an application for registration and 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. Respondent received the Notice of Default on January 18, 2011.

(b) During the period from March 4, 2011, through May 9, 2011, in thirteen transactions involving his purchase of a total of 71 head of livestock at South Coffeyville Stockyards in Coffeyville, Oklahoma, Collinsville Livestock Sales, LLC, in Collinsville, Oklahoma, and Tulsa Stockyards, Inc., in Tulsa, Oklahoma, for a total purchase price of \$44,426.86, 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.

III

By reason of the facts alleged in paragraph II, the respondent has 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).

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 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 an order be issued requiring the respondent to cease and desist from the violations of the Act and the regulations found to exist; prohibiting the respondent, for a specified period, from engaging in business in any capacity for which registration and bonding are required under the Act; 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 30 day of August, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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