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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P. & S. Docket No. 12-0631  
)  
Double H Cattle Co., )  
LLC, Todd Holstein and )  
Tyler Holstein, )  
)  
Respondents ) Complaint

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 is issued alleging the following:

I

(a) Double H Cattle Co., LLC, referred to herein as respondent Double H, is a company organized and existing under the laws of the State of Texas, with a business mailing address of 16401 Dove Meadow Road, Canyon, Texas 79015-5623.

(b) Respondent Double H is, and at all times material herein was:

(1) Engaged in the business of a dealer buying and selling livestock in commerce for its own account; and

(2) Not registered with the Secretary of Agriculture.

(c) Todd Holstein and Tyler Holstein, referred to herein as the individual respondents, are individuals whose business mailing address is 16401 Dove Meadow Road, Canyon, Texas 79015-5623.

(d) The individual respondents are, and at all times material herein were:

- (1) Owners of Respondent Double H Cattle Co.;
- (2) Responsible for the direction, management and control of Respondent Double H;
- (3) Dealers within the meaning of and subject to the provisions of the Act; and
- (4) Not registered with the Secretary of Agriculture.

## II

During the period from April 16, 2011, through at least April 19, 2011, respondents engaged in the business of a dealer buying and selling livestock in commerce without being registered with the Secretary of Agriculture and maintaining an adequate bond or bond equivalent.

## III

(a) During the period from April 16, 2011, through at least April 19, 2011, in three separate transactions, respondents purchased a total of 294 head of livestock from Muleshoe Livestock Auction, Inc., in Muleshoe, Texas (April 16, 2011); Tulia Livestock Auction in Tulia, Texas (April 18, 2011); and K & S Parrott, LLC d.b.a. Amarillo Livestock Auction in Amarillo, Texas (April 19, 2011), and failed to pay, when due, the \$182,888.61 purchase price for such livestock.

(b) As of the date of this complaint, there remained unpaid a total of \$182,888.61 for these livestock purchases.

## IV

In the April 18 and April 19, 2011, transactions referenced in paragraph III, respondents issued checks in the amount of \$149,995.14, in payment for livestock, and such checks were returned unpaid by the bank because respondents 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.

By reason of the facts alleged in paragraph II of the complaint, the respondents have 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, 201.30).

By reason of the facts alleged in paragraphs III and IV of the complaint, the respondents have willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 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 respondents have willfully violated the Act, this complaint shall be served upon the respondents. The respondents 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 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 shall constitute an admission of all the material allegations of this complaint.

The Grain Inspection, Packers and Stockyards Administration, requests:

1. That unless the respondents fail to file an answer within the time allowed therefore, 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 Governing Proceedings Under the Act; and
2. That such order or orders be issued, including an order requiring the respondents to cease and desist from the violations found to exist, prohibiting the respondents from engaging in business in any capacity for which registration and bonding are required under the Act without

becoming properly registered and bonded, and assessing such civil penalties as are authorized by  
the Act and warranted in the premises.

Done at Washington, D.C.

this 13 day of September, 2012



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Packers and Stockyards Program

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