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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P&S Docket No. 13-0182
)
)
David Starks d/b/a Slow Cow)
Cattle Company,)
)
)
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 David Starks d/b/a Slow Cow Cattle Company, referred to herein as the respondent, is an individual whose current address is in the State of Wisconsin. His address will not be stated in the complaint to protect respondent's 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 January 6, 2012, a Resident Agent of the Packers and Stockyards Program, Grain Inspection, Packers & Stockyards Administration, hand-delivered to the respondent a Notice of Default notifying respondent of his obligation to file an application for 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

(a) On unknown dates, respondent purchased a total of 39 head of livestock from unknown livestock sellers and, in thirteen transactions during the period from January 16, 2012, through April 16, 2012, resold the same to Booth Brothers, Inc., of Reeseville, Wisconsin, for a total sale price of \$27,381.90. In so doing, 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.

(b) For all of the transactions referenced in paragraph III(a), respondent failed to keep such accounts, records, and memoranda as fully and correctly disclosed said transactions.

IV

By reason of the facts alleged in paragraphs II and III, the respondent willfully violated sections 312(a) and 401 of the Act (7 U.S.C. §§ 213(a) and 221) and sections 201.10, 201.29, 201.30, and 203.4 of the regulations (9 C.F.R. §§ 201.10, 201.29, 201.30, and 203.4).

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

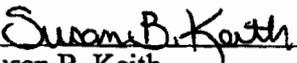
shall be served upon the respondent. The respondent shall have twenty (20) days following receipt of this complaint to file an Answer with the Hearing Clerk, Room 1031 - South Building, United States Department of Agriculture, 1400 Independence Ave., S.W., Washington, D.C. 20250-9200, in accordance with 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 20th day of February, 2013


Susan B. Keith
Acting Deputy Administrator
Packers and Stockyards Program

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