



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. 13-0244
)
Jason T. Glenn,)
)
Dustin Burkhart,)
)
and Amy Burkhart)
)
d/b/a B & G Cattle)
)
Respondents) Complaint

There is reason to believe that respondents Jason T. Glenn, Dustin Burkhart, and Amy Burkhart, doing business together as B & G Cattle, 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) Jason T. Glenn, Dustin Burkhart, and Amy Burkhart are partners who conduct business as B & G Cattle, an unregistered partnership, with their principal place of business located at 5355 Whispering Oak Way, Paso Robles, CA 93446.

(b) Respondents Jason T. Glenn, Dustin Burkhart, and Amy Burkhart, in their capacity as partners conducting business as B & G Cattle, an unregistered partnership, are, and at all times material herein were:

- (1) Engaged in the business of a dealer buying and selling livestock in commerce;
- (2) A dealer within the meaning of and subject to the provisions of the Act; and
- (3) Not registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

(c) Respondent Jason T. Glenn, in his capacity as an individual conducting business as Western Feeders, maintains his principal place of business at 5355 Whispering Oak Way, Paso Robles, CA, 93446. Respondent Jason T. Glenn, in his capacity as an individual conducting business as Western Feeders, at all times material herein was:

- (1) Engaged in the business of a dealer buying and selling livestock in commerce;
- (2) Engaged in the business of a market agency buying and selling livestock in commerce on a commission basis;
- (3) A dealer within the meaning of and subject to the provisions of the Act;
- (4) A market agency within the meaning of and subject to the provisions of the Act; and
- (5) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy livestock in commerce on a commission basis.

(d) Respondent Dustin Burkhart, in his capacity as an individual conducting business as Burkhart Livestock, maintains his principal place of business at 20601 Jury Road, Tehachapi, CA, 93561. Respondent Dustin Burkhart, in his capacity as an individual conducting business as Burkhart Livestock, at all times material herein was:

- (1) Engaged in the business of a market agency buying and selling livestock in commerce on a commission basis;
- (2) A market agency within the meaning of and subject to the provisions of the Act; and
- (3) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy livestock in commerce on a commission basis.

II.

(a) On or about September 15, 2009, the Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA) sent, via certified mail, to respondent Jason T. Glenn, in his capacity as an individual conducting business as Western Feeders, a Notice of Default (NOD). The NOD informed Respondent Glenn that GIPSA had written to him on August 12, 2009, to inform him that he must increase his bond or bond equivalent coverage and that the agency had yet to receive evidence of any increase. The NOD informed Respondent Glenn that failure to comply with the bonding requirements of the Packers and Stockyards Act and regulations promulgated thereunder would result in

appropriate corrective action.

(b) On or about March 11, 2010, GIPSA sent, via certified mail, to respondent Jason T. Glenn, in his capacity as an individual conducting business as Western Feeders, a Notice of Violation (NOV). The NOV informed Respondent Glenn that GIPSA had information indicating that he had failed to pay, when due, for livestock and that he had charged a commission to a principal while acting as an order buyer and then marked up the price on the same transaction. The NOV informed Respondent Glenn that these actions were in violation of the Packers and Stockyards Act and regulations promulgated thereunder, and that failure to comply would result in appropriate corrective action.

(c) On or about August 25, 2011, GIPSA sent, via certified mail, to respondent Jason T. Glenn, in his capacity as an individual conducting business as Western Feeders, an NOD. The NOD informed Respondent Glenn that GIPSA had written to him on July 25, 2011, to inform him that he must increase his bond or bond equivalent coverage and that the agency had yet to receive evidence of any increase. The NOD informed Respondent Glenn that failure to comply with the bonding requirements of the Packers and Stockyards Act and regulations promulgated thereunder would result in appropriate corrective action.

(d) On or about November 14, 2011, GIPSA sent, via certified mail, to respondent Jason T. Glenn, in his capacity as an individual conducting business as Western Feeders, an NOD. The NOD informed Respondent Glenn that GIPSA had written to him on October 12, 2011, to inform him that he must increase his bond or

bond equivalent coverage and that the agency had yet to receive evidence of any increase. The NOD informed Respondent Glenn that failure to comply with the bonding requirements of the Packers and Stockyards Act and regulations promulgated thereunder would result in appropriate corrective action.

(e) On or about September 2, 2009, GIPSA sent, via certified mail, to respondent Dustin Burkhart, in his capacity as an individual conducting business as Burkhart Livestock, an NOD. The NOD informed Respondent Burkhart that GIPSA had written to him on July 29, 2009, to inform him that he must increase his bond or bond equivalent coverage and that the agency had yet to receive evidence of any increase. The NOD informed Respondent Glenn that failure to comply with the bonding requirements of the Packers and Stockyards Act and regulations promulgated thereunder would result in appropriate corrective action.

III.

On or about the dates and in the transactions set forth in Appendix A, Respondents Jason T. Glenn, Dustin Burkhart, and Amy Burkhart, in their capacity as partners conducting business as B & G Cattle, purchased livestock and failed to pay, when due, the full purchase price of such livestock.

IV.

On or about the dates and in the transactions described in Appendices A and B, and in other transactions and on other dates, Respondents Jason T. Glenn, Dustin

Burkhart, and Amy Burkhart, in their capacity as partners conducting business as B & G Cattle, engaged in the business of a dealer buying and selling livestock in commerce without being properly registered with the Secretary and without maintaining a bond or bond equivalent.

V.

On or about the period beginning October 3, 2011, through April 2, 2012, and on other dates, Respondents Jason T. Glenn, Dustin Burkhart, and Amy Burkhart, in their capacity as partners conducting business as B & G Cattle, failed to keep and maintain complete and accurate records related to the date of issuance of checks issued as payments for livestock purchases.

VI.

By reason of the facts alleged in paragraph III of this Complaint, respondents have willfully violated sections 312(a) (7 U.S.C. § 213(a)) and 409 (7 U.S.C. § 228b) of the Act and section 201.43 of the regulations (9 C.F.R. § 201.43).

By reason of the facts alleged in paragraph IV of this Complaint, respondents have willfully violated sections 303 and 312(a) of the Act (7 U.S.C. §§ 203 and 213(a)), 7 U.S.C. § 204, and sections 201.10, 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.10, 201.29 and 201.30).

By reason of the facts alleged in paragraph V of this Complaint, respondents have willfully violated section 401 of the Act (7 U.S.C. § 221) by failing to keep and maintain accounts, records and memoranda as fully and correctly disclose all transactions involved in his business.

WHEREFORE, it is hereby ordered that this Complaint shall be served upon the respondents for the purpose of determining whether respondents have willfully violated the Act and regulations and for the purpose of determining whether their application for registration as a market agency to sell livestock on commission should be denied. Respondents shall have twenty (20) days after receipt of this Complaint in which to file an answer with the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing 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 of this Complaint.

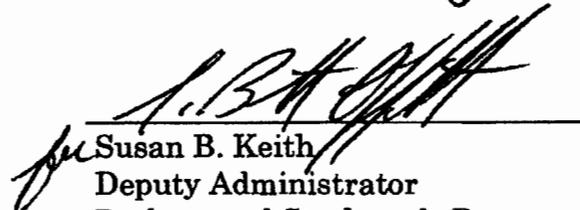
The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration requests:

1. That unless respondents fail 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 such order or orders be issued, including an order requiring respondents to cease and desist from the violations of the Act and the regulations found to exist, requiring respondents to keep and maintain all accounts, records, and memoranda that fully and accurately disclose all transactions involved in their business, suspending respondents Jason T.

Glenn, Dustin Burkhart, and Amy Burkhart as registrants under the Act for a specified period of time, prohibiting the registration of respondents doing business as B & G Cattle for a specified period of time, and assessing such civil penalties against respondents as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 23rd day of May, 2013


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Deputy Administrator
Packers and Stockyards Program

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Appendix A

Purchase Date	Seller's Name	Number of Head of Livestock Purchased	Livestock Amount	Payment due date per § 409 of the Act	Date Payment Made by Respondents
10/3/2011	Famoso Stockman's Market ¹	85	\$32,593.32	10/4/2011	10/10/2011
10/10/2011	Famoso Stockman's Market	56	\$31,831.60	10/11/2011	10/17/2011
10/17/2011	Famoso Stockman's Market	43	\$32,993.69	10/18/2011	10/28/2011
10/24/2011	Famoso Stockman's Market	20	\$11,420.91	10/25/2011	11/7/2011
11/7/2011	Famoso Stockman's Market	5	\$2,133.28	11/8/2011	11/21/2011
11/21/2011	Famoso Stockman's Market	1	\$918.75	11/22/2011	11/29/2011
11/28/2011	Famoso Stockman's Market	47	\$24,708.61	11/29/2011	12/12/2011
12/12/2011	Famoso Stockman's Market	11	\$5,980.35	12/13/2011	12/19/2011
12/19/2011	Famoso Stockman's Market	27	\$9,231.50	12/20/2011	1/2/2012
1/9/2012	Famoso Stockman's Market	21	\$9,512.00	1/10/2012	1/16/2012
1/16/2012	Famoso Stockman's Market	65	\$37,242.61	1/17/2012	1/23/2012
2/6/2012	Famoso Stockman's Market	58	\$35,935.37	2/7/2012	2/13/2012
2/13/2012	Famoso Stockman's Market	106	\$56,985.26	2/14/2012	2/20/2012
3/5/2012	Famoso Stockman's Market	57	\$37,973.88	3/6/2012	3/12/2012
4/2/2012	Famoso Stockman's Market	32	\$21,870.63	4/3/2012	4/9/2012

¹ On or about 06/29/2010, the market agency selling livestock at the posted stockyard where respondents purchased the livestock changed names from D&H Mebane Stockman's Corporation dba Western Stockman's Market to JM Livestock, LLC dba Famoso Stockman's Market. However, the sales invoices documenting the transactions in this schedule show the former name, Western Stockman's Market.

Appendix B

Purchase Date	Number of Head of Cattle Purchased	Purchased From	Date Cattle Resold	Number of Head of Cattle Resold	Cattle Resold To
10/19/2011	55	Euclid Stockyards	10/22/2011	5	Templeton Livestock Market
10/28/2011	77	Cattleman's Livestock Auction	12/17/2011	75	Templeton Livestock Market
12/7/2011	52	Euclid Stockyards			
12/14/2011	10	Euclid Stockyards			