

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:

Ronald L. Lemons, and) P. & S. Docket No. 13- 0299
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Ronald L. Lemons Livestock, LLC,) P. & S. Docket No. 13- 0300
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)
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.), therefore, this Complaint is issued alleging the following:

I.

(a) Ronald L. Lemons, respondent herein, is an individual whose business mailing address is HC 81 Box 287, Lewisburg, WV 24901.

(b) Respondent Ronald L. Lemons 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 livestock on a commission basis in commerce;
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;
4. Sole owner of Respondent Ronald L. Lemons Livestock LLC; and

5. Responsible for the day to day direction, management and control of Respondent Ronald L. Lemons Livestock LLC.

(c) Respondent Ronald L. Lemons Livestock LLC is a limited liability company organized under the laws of the State of West Virginia and has a business mailing address of HC 81 Box 287, Lewisburg, WV 24901.

(d) Respondent Ronald L. Lemons Livestock LLC was created on or about March 22, 2010, and since then has been:

1. Engaged in the business of a dealer buying and selling livestock in commerce;
2. Engaged in the business of a market agency buying livestock on a commission basis in commerce;
3. A dealer and a market agency within the meaning of and subject to the provisions of the Act; and
4. Not registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

II.

(a) On or about September 23, 2008, GIPSA sent, via certified mail, to Respondent Ronald L. Lemons a Notice of Violation (NOV). The NOV informed Respondent Lemons that GIPSA had information indicating that he had failed to pay, when due, for livestock during the period April, 2008, through June, 2008. The NOV informed Respondent Lemons 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.

(b) Respondent Ronald L. Lemons entered into a Civil Penalty Stipulation Agreement with Complainant on or about June 19, 2009. This Agreement informally resolved, without respondent admitting or denying the alleged violations, GIPSA's allegations that respondent had failed to pay, when due, for livestock purchases on multiple occasions during the period of January, 2009, through March, 2009. The Agreement assessed respondent a civil penalty of \$3,125.

(c) Respondent Ronald L. Lemons entered into a Civil Penalty Stipulation Agreement with Complainant on or about November 14, 2011. This Agreement informally resolved, without respondent admitting or denying the alleged violations, GIPSA's allegations that respondent had failed to pay, when due, for livestock purchases on multiple occasions during the period of February, 2011, through May, 2011. The Agreement assessed respondent a civil penalty of \$6,200.

III.

(a) Respondents, on or about the dates and in the transactions set forth below, purchased livestock and failed to pay, when due, the full purchase price of such livestock.

<u>Purchase Date</u>	<u>Purchased From</u>	<u>Livestock Amount</u>	<u>Due Date</u>	<u>Date Paid</u>
2/13/2012	Roanoke-Hollins Stockyard	\$41,467.63	2/14/2012	2/17/2012
2/15/2012	Christiansburg Livestock Market	\$15,293.19	2/16/2012	2/17/2012
4/2/2012	Farmers Livestock Market, Inc.	\$19,435.62	4/3/2012	4/5/2012
4/2/2012	Roanoke-Hollins Stockyard	\$105,681.59	4/3/2012	4/5/2012

4/4/2012	Christiansburg Livestock Market	\$32,014.06	4/5/2012	4/6/2012
4/5/2012	Mike Altice	\$10,669.73	4/6/2012	4/13/2012
4/7/2012	Narrows Livestock Auction Market, Inc.	\$5,829.20	4/9/2012	4/13/2012
4/9/2012	Roanoke-Hollins Stockyard	\$17,376.05	4/10/2012	4/12/2012
4/11/2012	Christiansburg Livestock Market	\$16,488.31	4/12/2012	4/17/2012
4/12/2012	Mike Altice	\$15,401.95	4/13/2012	4/17/2012
4/13/2012	Greenbrier Valley Livestock Market	\$38,081.63	4/16/2012	4/17/2012
4/14/2012	Narrows Livestock Auction Market, Inc	\$39,530.17	4/16/2012	4/17/2012
4/16/2012	Roanoke-Hollins Stockyard	\$34,481.38	4/17/2012	4/20/2012
4/23/2012	Roanoke-Hollins Stockyard	\$38,217.03	4/24/2012	4/25/2012
4/28/2012	Farmers Livestock Market, Inc.	\$26,022.55	4/30/2012	5/3/2012

(b) On or about the dates and in the transactions described in section (III) above, and in other transactions and on other dates, Respondent Ronald L. Lemons Livestock LLC engaged in the business of a dealer buying and selling livestock in commerce and of a market agency buying livestock in commerce on a commission basis without being properly registered with the Secretary and without maintaining an appropriate bond or bond equivalent.

IV.

By reason of the facts alleged in paragraphs II and III-(a) herein, 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 III-(b) 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).

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 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 conformity 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, suspending Respondent Ronald L. Lemons as a registrant under the Act for a specified period of time, prohibiting the registration of Respondent Ronald L. Lemons Livestock LLC, and assessing such civil penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.,

this 25th day of July, 2013

Susan B. Keith
Susan B. Keith
Deputy Administrator
Packers and Stockyards Programs

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