

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P & S Docket No.
)
Troy O. Moore, d/b/a Stephenville) 13-0350
Cattle Company and TM Cattle)
Company,)
)
Respondent) COMPLAINT

There is reason to believe that the respondent named herein has wilfully violated provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), hereinafter referred to as the Act, and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*) and therefore, this complaint is issued alleging the following:

I.

(a) Troy O. Moore, d/b/a Stephenville Cattle Company and TM Cattle Company, hereinafter referred to as the respondent, is an individual doing business as a business entity in the State of Texas. Respondent's business address is his home address. In order to protect the personal privacy of the respondent, complainant is not providing Mr. Moore's address in this complaint, but complainant has provided the address to the Hearing Clerk so that service can be effected.

(b) Respondent at all times material herein was:

1. Engaged in the business of a dealer buying and selling livestock in commerce for his own account;
2. Engaged in the business as a market agency buying and selling livestock on commission;

3. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy and sell livestock on commission.

II.

(a) On or about the dates and in the transactions set forth below, respondent, acting as a dealer, purchased livestock and failed to pay, when due, for such livestock purchases, in violation of Section 409(a) of the Act (7 U.S.C. § 228b(a)) and 9 C.F.R. § 201.43.

PURCHASE/HARVEST DATE	SELLER'S NAME	LIVESTOCK AMOUNT	DUE DATE	PAYMENT DATE
10/18/2011	Texas Cattle Exchange, Inc.	\$10,728.60	10/19/2011	10/25/2011
10/25/2011	Texas Cattle Exchange, Inc.	\$3,811.03	10/26/2011	11/2/2011
11/1/2011	Texas Cattle Exchange, Inc.	\$6,391.80	11/2/2011	11/9/2011
11/11/2011	Dublin Livestock Action, LLC	\$19,334.85	11/14/2011	11/18/2011
11/17/2011	West Auction, Inc.	\$2,800.70	11/18/2011	11/23/2011
11/18/2011	Dublin Livestock Auction, LLC	\$6,486.88	11/21/2011	11/23/2011
11/29/2011	Texas Cattle Exchange, Inc.	\$3,167.05	11/30/2011	12/7/2011
12/2/2011	Dublin Livestock Auction, LLC	\$11,0006.83	12/5/2011	12/9/2011
12/9/2011	Dublin Livestock Auction, LLC	\$6,629.60	12/12/2011	12/16/2011
12/13/2011	Texas Cattle Exchange, LLC	\$11,506.80	12/14/2011	12/20/2011
12/15/2011	West Auction, Inc.	\$4,051.55	12/16/2011	12/23/2011
12/16/2011	Dublin Livestock Auction, LLC	\$1,894.00	12/19/2011	12/27/2011
12/20/2011	Texas Cattle Exchange, Inc.	\$960.00	12/21/2011	12/23/2011
1/3/2012	Texas Cattle Exchange, Inc.	\$1,045.00	1/4/2012	1/12/2012
1/6/2012	Dublin Livestock	\$14,002.58	1/9/2012	1/13/2012

	Auction, LLC			
1/13/2012	Dublin Livestock Auction, LLC	\$30,360.96	1/17/2012	1/20/2012
1/17/2012	Texas Cattle Exchange, Inc.	\$3,191.95	1/18/2012	1/24/2012
1/27/2012	Dublin Livestock Auction, LLC	\$40,458.53	1/30/2012	2/3/2012
2/3/2012	Dublin Livestock Auction, LLC	\$5,823.55	2/6/2012	2/10/2012
2/10/2012	Dublin Livestock Auction, LLC	\$2,422.05	2/13/2012	2/17/2012
2/17/2012	Dublin Livestock Auction, LLC	\$1,331.00	2/21/2012	2/24/2012
2/24/2012	Dublin Livestock Auction, LLC	\$1,765.10	2/27/2012	3/2/2012

(See also Exhibit A).

(b) On or about August 16, 2012, respondent failed to provide bank statements to auditors of the Packers and Stockyards Program, that being bank statements for 16xx series of checks used in livestock purchase transactions, in violation of Section 401 of the Act (7 U.S.C. § 221) and 9 C.F.R. § 201.95.

III.

By reasons of the facts alleged in paragraph II herein, respondent wilfully violated Sections 401 and 409 of the Act (7 U.S.C. §§ 221 and 228b(a)) and 9 C.F.R. § 201.95 of the regulations.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has, in fact, wilfully violated the Act, this complaint shall be served upon the respondent. Respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. in accordance with the Rules of Practice governing

proceedings under the Act (7 C.F.R. § 1.130 *et seq.*). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

Packers and Stockyards Program, GIPSA, request:

1. That unless the respondent fails to file an answer within the time frame allowed therefor, 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 governing proceedings under the Act; and

2. That such order or orders be issued, including an order requiring the respondent to cease and desist from the violations found to exist and assessing such civil penalties, as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

This 18th day of September, 2013

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

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US Department of Agriculture
Grain Inspection, Packers and Stockyards Administration
Packers and Stockyards Program (P&SP)
Schedule of Failure to Pay within time period required by the Act for Livestock (V7 6-19-11)

Investigation Date		Entity					DBA					Mailing Address			Contact Number	
3/2/2012		Troy O. Moore					Stephenville Cattle Company and TM Cattle Co					PO Box 831, Stephenville, Texas 76481			14634	
Purchase / Harvest Date	Seller's Name	Purchase Type	Number of Head	Livestock Amount	Net Invoice Adjustments	Net Invoice	Due Date	Payment Date	Payment Instrument	Payment Instrument Number	Payment Amount	Days Late Per Payment Date	Date Check Cleared Bank	Payment Date to Date Cleared	Remarks	Page Number
10/18/2011	Texas Cattle Exchange, Inc.	Live	16	\$10,728.60	\$0.00	\$10,728.60	10/19/2011	10/25/2011	Check	2370	\$10,728.60	6	10/27/2011	2	Check dated 10/19/11. Hand delivered 10/25/11.	24-32
10/25/2011	Texas Cattle Exchange, Inc.	Live	10	\$3,811.03	\$0.00	\$3,811.03	10/25/2011	11/2/2011	Check	2411	\$3,811.03	7	11/4/2011	2	Hand delivered 11/02/11.	33-41
11/1/2011	Texas Cattle Exchange, Inc.	Live	10	\$8,391.80	\$0.00	\$8,391.80	11/2/2011	11/9/2011	Check	2420	\$8,391.80	7	11/10/2011	1	Check dated 11/02/11. Hand delivered 11/09/11.	42-47
11/1/2011	Dublin Livestock Auction, LLC	Live	32	\$19,334.85	\$150.00	\$19,484.85	11/14/2011	11/18/2011	Check	2439	\$19,484.85	4	11/22/2011	4	Check dated 11/14/11. Hand delivered 11/18/11.	48-57
11/17/2011	West Auction, Inc.	Live	6	\$2,800.70	\$0.00	\$2,800.70	11/18/2011	11/23/2011	Check	2453	\$2,800.70	5	11/29/2011	6	Check dated 11/19/11. Post mark dated 11/23/11.	58-66
11/18/2011	Dublin Livestock Auction, LLC	Live	10	\$8,488.88	\$0.00	\$8,488.88	11/21/2011	11/23/2011	Check	2454	\$8,488.88	2	11/29/2011	6	Check dated 11/19/11. Post mark dated 11/23/11.	67-73
11/29/2011	Texas Cattle Exchange, Inc.	Live	6	\$3,187.05	\$0.00	\$3,187.05	11/30/2011	12/7/2011	Check	2469	\$3,187.05	7	12/9/2011	2	Post mark dated 12/07/11.	74-79
12/2/2011	Dublin Livestock Auction, LLC	Live	16	\$11,006.83	\$0.00	\$11,006.83	12/5/2011	12/9/2011	Check	2488	\$11,006.83	4	12/13/2011	4	Check dated and hand delivered 12/09/11.	80-89
12/9/2011	Dublin Livestock Auction, LLC	Live	9	\$6,629.00	\$25.00	\$6,654.00	12/12/2011	12/16/2011	Check	2501	\$6,654.00	4	12/19/2011	3	Check date incomplete. Hand delivered 12/18/11.	90-97
12/13/2011	Texas Cattle Exchange, Inc.	Live	18	\$11,506.80	\$0.00	\$11,506.80	12/14/2011	12/20/2011	Check	2502	\$11,506.80	6	12/23/2011	3	Check dated 12/14/11. Hand delivered 12/20/11.	98-105
1/3/2012	Texas Cattle Exchange, Inc.	Live	2	\$1,045.00	\$0.00	\$1,045.00	1/4/2012	1/12/2012	Check	2538	\$1,045.00	8	1/17/2012	5	Check dated 01/09/12. Post mark dated 01/12/12. Market had to reimburse the custodial account on the 7th day after Moore's purchase. Notation by the market on the payment envelope states "TCE (Texas Cattle Exchange) pd ck #35772 1-10-12".	106-111
1/6/2012	Dublin Livestock Auction, LLC	Live	20	\$14,002.58	\$0.00	\$14,002.58	1/9/2012	1/13/2012	Check	2540	\$14,002.58	4	1/18/2012	5	Check dated 01/09/12. Hand delivered 01/13/12.	112-122
1/13/2012	Dublin Livestock Auction, LLC	Live	39	\$30,360.96	\$0.00	\$30,360.96	1/17/2012	1/20/2012	Check	2556	\$30,360.96	3	1/24/2012	4	Check dated 01/18/12. Hand delivered 01/20/12.	123-134
1/17/2012	Texas Cattle Exchange, Inc.	Live	5	\$3,191.95	\$12.00	\$3,203.95	1/18/2012	1/24/2012	Check	2560	\$3,203.95	8	1/28/2012	2	Check dated 01/18/12. Hand delivered 01/24/12.	135-138
1/27/2012	Dublin Livestock Auction, LLC	Live	52	\$40,458.53	\$0.00	\$40,458.53	1/30/2012	2/3/2012	Check	2587	\$40,458.53	4	2/7/2012	4	Check dated 02/01/12. Hand delivered 02/03/12.	139-150
2/3/2012	Dublin Livestock Auction, LLC	Live	8	\$5,823.55	\$0.00	\$5,823.55	2/6/2012	2/10/2012	Check	2592	\$5,823.55	4	2/13/2012	3	Check dated 02/08/12. Hand delivered 02/10/12.	151-158
2/10/2012	Dublin Livestock Auction, LLC	Live	3	\$2,422.05	\$0.00	\$2,422.05	2/13/2012	2/17/2012	Check	2610	\$2,422.05	4	2/21/2012	4	Check dated 02/13/12. Hand delivered 02/17/12.	159-163
2/17/2012	Dublin Livestock Auction, LLC	Live	3	\$1,331.00	\$0.00	\$1,331.00	2/21/2012	2/24/2012	Check	2627	\$1,331.00	3	2/28/2012	4	Check dated 02/21/12. Hand delivered 02/24/12.	164-167
2/24/2012	Dublin Livestock Auction, LLC	Live	2	\$1,765.10	\$0.00	\$1,765.10	2/27/2012	3/2/2012	Check	2636	\$1,765.10	4	3/5/2012	3	Check dated 02/29/12. Hand delivered 03/02/12.	168-171
12/15/2011	West Auction, Inc.	Live	5	\$4,051.55	\$0.00	\$4,051.55	12/16/2011	12/23/2011	Check	1656	\$4,051.55	7			Check dated 12/23/11. Post mark date is illegible. Refused bank statement.	172-177
12/18/2011	Dublin Livestock Auction, LLC	Live	2	\$1,894.08	\$0.00	\$1,894.08	12/19/2011	12/27/2011	Check	1660	\$1,894.08	8			Check dated 12/23/11. Post mark dated 12/27/11. Refused bank statement.	178-180
12/20/2011	Texas Cattle Exchange, Inc.	Live	4	\$960.00	\$0.00	\$960.00	12/21/2011	12/23/2011	Check	1659	\$960.00	2			Post mark dated 12/23/11. Payment information is documented by the market.	181-183
TOTAL			278	\$189,170.49	\$187.00	\$189,357.49					\$189,357.49					23