

Livestock Commission Co., Sulphur Springs, TX, and in one transaction with Red River Livestock LLC, Coushatta, LA, in which Respondent failed to pay, when due, the full purchase price of livestock. In two of these transactions, Respondent issued checks to Sulphur Springs Livestock Commission Co. in purported payment for livestock and those checks were returned unpaid by the bank upon which they were drawn because respondent did not have and maintain sufficient funds on deposit and available in the account upon which the checks were drawn to pay such checks when presented. As of March 21, 2014, Respondent had failed to make full payment for livestock to Sulphur Springs Livestock Commission Co. in a total amount of approximately \$500,000.

(b) From June 12, 2013 through August 28, 2013, Respondent purchased in five transactions from Red River Livestock, LLC, \$1,027,865.12 worth of livestock for which Respondent issued checks in purported payment for his purchases that were returned unpaid by the bank upon which they were drawn. These checks were returned because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which the checks were drawn to pay such checks when presented. Respondent failed to pay, when due, the full purchase price of the livestock in these transactions by making wire payments two to three days after payment was due according to the credit agreement between Red River Livestock LLC and Respondent.

III.

(a) By reason of the facts alleged in paragraph II, Respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b) and section 201.43 of the Regulations.

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether Respondent has willfully violated the Act and the regulations. Respondent shall have twenty (20) days after receipt of this complaint to file an answer with the Hearing Clerk, United States Department of Agriculture, 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.)(Rules of Practice). 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.

Packers and Stockyards Program, GIPSA, requests:

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

Done at Washington, D.C.

this 31st day of March, 2014

Susan B. Keith
SUSAN B. KEITH
Deputy Administrator,
Packers and Stockyards Program

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