

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)
)
Barrow Land and Livestock, LLC.,) P & S Docket No. 14- 0159
)
Linda K. Barrow,) P & S Docket No. 14- 0160
)
Dean Barrow,) P & S Docket No. 14- 0161
)
and) P & S Docket No. 14- 0162
)
Justin Barrow)
)
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.*) (Act), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) (regulations), and, therefore, this complaint is issued alleging the following:

I.

- a) Barrow Land and Livestock, LLC (Respondent Barrow Land) is a limited liability corporation organized and existing under the laws of the State of Utah, whose mailing address is 6797 W 900 S., Ogden, UT 84404.
- b) Respondent Linda Barrow is an individual whose mailing address is 6797 W 900 S., Ogden, UT 84404.
- c) Respondent Dean Barrow is an individual whose mailing address is 6797 W 900 S., Ogden, UT 84404.

d) Respondent Justin Barrow is an individual whose mailing address is 6797 W 900 S., Ogden, UT 84404.

e) Respondent Barrow Land, under the direction, management, and control of Respondents Linda K. Barrow, Dean Barrow and Justin Barrow, at all times material herein, was:

(1) Engaged in the business of a livestock dealer buying or selling livestock in commerce and as a market agency selling livestock in commerce on a commission basis; and

(2) Registered with the Secretary of Agriculture as a dealer to buy or sell livestock in commerce and as a market agency to sell livestock in commerce on a commission basis.

f) Respondent Linda K. Barrow at all times material herein was:

(1) Owner of 100% of Respondent Barrow Land;

(2) Registered agent for Respondent Barrow Land;

(3) Engaged in the business of a livestock dealer buying or selling livestock in commerce and as a market agency selling livestock in commerce on a commission basis; and

(4) Responsible, along with Respondents Dean Barrow and Justin Barrow, for the direction, management, and control of Respondent Barrow Land.

g) Respondent Dean Barrow at all times material herein was:

(1) Engaged in the business of a livestock dealer buying or selling livestock in commerce and as a market agency selling livestock in commerce on a commission basis; and

(2) Responsible, along with Respondents Linda K. Barrow and Justin Barrow, for the direction, management, and control of Respondent Barrow Land.

h) Respondent Justin Barrow at all times material herein was:

(1) Engaged in the business of a livestock dealer buying or selling livestock in commerce and as a market agency selling livestock in commerce on a commission basis; and

(2) Responsible, along with Respondents Linda K. Barrow and Dean Barrow, for the direction, management, and control of Respondent Barrow Land.

II.

(a) On or about the dates and in the transactions listed below, Respondent Barrow Land, under the management, direction and control of Respondents Linda K. Barrow, Dean Barrow and Justin Barrow, issued checks in payment for livestock purchases which were returned unpaid by the bank upon which they were drawn. These checks were returned because Respondents 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.

SELLER	PURCHASE DATE	NO. OF HEAD	CHECK NUMBER	CHECK AMOUNT
ANDERSON LIVESTOCK AUCTION CO.	03/27/12	20	2628	\$17,663.63
SMITHFIELD LIVESTOCK AUCTION	03/29/12	12	2688	\$7,791.40
ANDERSON LIVESTOCK AUCTION CO.	04/10/12	13	2576	\$9,138.60
SMITHFIELD LIVESTOCK AUCTION	04/19/12	10	2628	\$14,989.80
	04/26/12	9		
BASIN LIVESTOCK MARKET	04/28/12	12	2606	\$5,980.35
ANDERSON LIVESTOCK AUCTION CO.	07/10/12	34	1020	\$15,419.15
BASIN LIVESTOCK MARKET	08/11/12	13	2735	\$2,220.00
BASIN LIVESTOCK MARKET	11/03/12	32	2848	\$16,451.95
TOTAL		155		\$89,654.88

III.

On or about the dates and in the transactions listed below, Respondent Barrow Land, under the management, direction and control of Respondents Linda K. Barrow, Dean Barrow and

Justin Barrow, purchased livestock and failed to pay, within the time period required by the Act, the full purchase price of such livestock.

SELLER	NO. OF HEAD	PURCHASE AMOUNT	PURCHASE DATE	DUE DATE PER §409 (a)	DATE CHECK CLEARED
ANDERSON LIVESTOCK AUCTION Co	20	\$17,663.63	03/27/12	03/28/12	04/23/12 ¹
SMITHFIELD LIVESTOCK AUCTION	12	\$7,791.40	3/29/12	3/30/12	5/10/12
ANDERSON LIVESTOCK AUCTION Co.	13	\$9,138.60	4/10/12	4/11/12	4/20/12
SMITHFIELD LIVESTOCK AUCTION	10	\$7,289.80	04/19/12	04/20/12	5/30/12 ²
	9	\$7,700.00	04/26/12	04/27/12	
BASIN LIVESTOCK MARKET	12	\$5,980.35	04/28/12	04/30/12	05/05/12 ³
BASIN LIVESTOCK MARKET	12	\$3,955.00	05/05/12	05/07/12	05/16/12 ⁴
ANDERSON LIVESTOCK AUCTION Co.	34	\$15,419.15	07/10/12	07/11/12	08/01/12
BASIN LIVESTOCK MARKET	13	\$2,220.00	08/11/12	8/13/12	09/5/12
BASIN LIVESTOCK MARKET	32	\$16,451.95	11/03/12	11/05/12	12/10/12
TOTALS	167	\$93,319.88	AVERAGE DAYS LATE = 24		

IV.

During the investigation of Respondents, the USDA, Packers and Stockyards Program

¹ Respondents paid seller with three transactions; a check for \$4,524.60 dated 4/10/12, an offset from sales for \$1,417.03 on 4/17/12, and a check number 2587 for \$9,722.00 on 4/23/12.

² Respondents paid seller for both transactions with one check, number 2628 for \$14,989.80.

³ Seller paid with offset from Respondents' sale on 5/5/12.

⁴ Respondents paid seller with two transactions; an offset from sales for \$1,188.71 on 5/5/12 and a check for \$2766.29 dated 5/12/12.

investigator requested all purchase invoices, sales invoices, load make up sheets, bank statements and any other records utilized by Respondent Barrow Land. Respondent Dean Barrow stated that very few records were maintained or created by or for the company. Therefore, Respondent Barrow Land, under the management, direction and control of Respondents Linda K. Barrow, Dean Barrow and Justin Barrow, failed to keep and maintain accounts, records, and memoranda which fully and correctly disclosed all the transactions involved in their business subject to the Act, including, but not limited to, all purchase and sale invoices, load mark-up sheets, scale tickets, sales invoices and settlement sheets, and other documents of sale, purchase or commission that record a true and accurate account of their business as a dealer and/or market agency, as required by section 401 of the Act (7 U.S.C. § 221), and as more fully specified in section 203.4 of the Statements of General Policy under the Packers and Stockyards Act (9 C.F.R. § 203.4).

V.

By reason of the facts alleged in paragraphs II - IV, Respondents have willfully violated sections 312(a), 401 and 409 of the Act (7 U.S.C. §§ 213(a), 221, and 228b).

VI.

WHEREFORE, it is hereby ordered that this Complaint shall be served upon Respondents for the purpose of determining whether the Respondents have willfully violated the Act. Respondents shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, 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 shall constitute an admission of all the material allegations

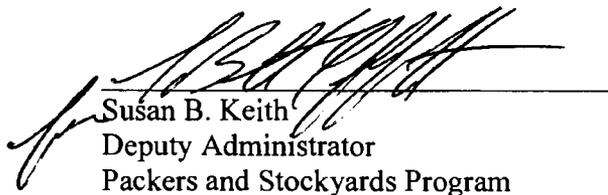
of this Complaint.

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 accord with the Rules of Practice governing proceedings under the Act; and
2. That such order or orders be issued, including an order requiring Respondents to cease and desist from violating the Act with respect to the matters alleged herein, an order requiring Respondents to keep and maintain all accounts, records and memoranda that fully and accurately disclose all transactions involved in their business, as required by section 401 of the Act, and assessing such civil penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 24th day of July, 2014


Susan B. Keith
Deputy Administrator
Packers and Stockyards Program

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