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UNITED STATES DEPARTMENT OF AGRICULTURE - 1 PM 1:26

BEFORE THE SECRETARY OF AGRICULTURE RECEIVED

In re:	)	P & S Docket No. D- 09-000 2
	)	
Great Western Auctions, LLC	)	
	)	
	)	
Respondent	)	Complaint

There is reason to believe that the Respondent named herein has willfully violated 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 by the Secretary of Agriculture (9 C.F.R. §201.1 et seq.), hereinafter referred to as “the Regulations,” and therefore this complaint is issued alleging the following:

I.

(a) Great Western Auctions, LLC, hereinafter referred to as “Respondent,” is a limited liability company whose mailing address is 30822 Nichols Sawmill Rd., Magnolia, Texas 77355.

(b) At all times material herein, Respondent was:

(1) Engaged in the business of selling livestock in commerce on a commission basis; and

(2) Registered with the Secretary of Agriculture as a market agency, selling livestock in commerce on a commission basis.

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II.

On September 19, 2007, the Packers and Stockyards Program sent Respondent a certified letter which stated that Respondent's surety bond would terminate on October 17, 2007. The letter referenced 9 C.F.R. §§ 201.29-201.30, which requires market agencies to file and maintain bonds and reminded the Respondent that violators are subject to disciplinary action under the Act. The letter also notified the Respondent that without the requested bond coverage, continuation of livestock purchases as a market agency would be a violation of 7 U.S.C §213(a) of the Act. The letter was returned "unclaimed." On October 23, 2007, the letter was resent, via Federal Express, and served on the Respondent October 24, 2007.

On October 18, 2007, Packers and Stockyards Program representatives contacted Respondent, by telephone, to inquire about the status of the replacement bond or bond equivalent and discussed the potential administrative procedures that could follow if Respondent violated provisions of the Act. Notwithstanding such notice, Respondent continued to engage in business as a market agency without maintaining an adequate bond or its equivalent as required by the Act and the Regulations.

III.

On or about the dates and in the transactions set forth below, Respondent engaged in the business of a market agency without maintaining an adequate bond or bond equivalent. The transactions occurred at Great Western Auction.

<b>Purchase Date</b>	<b>Purchased For</b>	<b>No. of Head</b>	<b>Livestock Amount</b>	<b>Commissions</b>
11/10/07	R. Walton	1	\$75.00	\$15.00
11/10/07	D. Calhoun	2	\$1,900.00	\$172.00
11/10/07	M. Winstead	2	\$225.00	\$30.00
11/10/07	D. Clevenger	1	\$525.00	\$42.00

11/10/07	M. Annuot	1	\$225.00	\$18.00
11/10/07	J. Bass	1	\$925.00	\$74.00
11/10/07	B. Sadler	1	\$525.00	\$42.00
11/10/07	B. McVaney	1	\$375.00	\$30.00
11/10/07	D. Nichols	3	\$2,100.00	\$210.00
11/10/07	T. Hayne	4	\$1,050.00	\$109.00
11/10/07	K. Lewis	2	\$400.00	\$32.00
11/10/07	L. Ragan	4	\$2,125.00	\$170.00
11/10/07	Harris County Sheriffs' Dept.	7	\$525.00	\$105.00
11/10/07	C. Young	1	\$1,000.00	\$0.00
11/10/07	J. Runnels	1	\$325.00	\$26.00
11/10/07	W. Griffin	1	\$225.00	\$18.00
11/10/07	D. Cobb	1	\$375.00	\$30.00
11/10/07	D. Stephens	5	\$2,950.00	\$239.00
11/10/07	J. Jarel	5	\$1,925.00	\$177.50
11/24/07	BL Ritchey	4	\$1,000.00	\$80.00
11/24/07	L. Ragan	1	\$900.00	\$72.00
11/24/07	D. Cobb	3	\$1,350.00	\$145.00
11/24/07	B. Allen	1	\$225.00	\$18.00
11/24/07	G. Nunnely	2	\$435.00	\$41.00
11/24/07	J. Helton	2	\$425.00	\$35.00
11/24/07	B. Hurst	2	\$450.00	\$40.00
11/24/07	J. Lamb	2	\$170.00	\$30.00
11/24/07	L. Marshall	1	\$725.00	\$72.50
11/24/07	Horses Barn	11	\$3,515.00	\$323.00
11/24/07	D. Nace	10	\$4,675.00	\$389.00
12/08/07	C. Young	1	\$375.00	\$37.50
12/08/07	G. Kemp	1	\$800.00	\$80.00
12/08/07	Terry Ranch	3	\$825.00	\$71.00
12/08/07	J. Jones	1	\$400.00	\$32.00
12/08/07	K. Narvaez	1	\$450.00	\$45.00
12/08/07	K. Watson	1	\$200.00	\$16.00
12/08/07	A. Drake	6	\$5,450.00	\$508.50
12/08/07	K. Welfel	2	\$125.00	\$30.00
12/08/07	H. Plitt	2	\$525.00	\$48.00
12/08/07	B. Hurst	2	\$500.00	\$46.00
12/08/07	Kvalsvita	1	\$200.00	\$16.00
12/08/07	T. Witt	4	\$625.00	\$69.00
12/08/07	Horses Barn	12	\$7,825.00	\$761.00
12/08/07	D. Cobb	1	\$900.00	\$90.00
12/08/07	T. Saulters	13	\$4,400.00	\$368.00
<b>Totals</b>		<b>134</b>	<b>\$55,245.00</b>	<b>\$5,003.00</b>

IV.

Respondent failed to keep accounts, records, and memoranda that fully and correctly disclosed all transactions involved in the business, as required by section 401 of the Act (7 U.S.C. § 221), including but not limited to, sale and bank records, ring sheets, and accounts of sales.

V.

By reason of the facts alleged in paragraph III, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)), and sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§ 201.29, 201.30).

By reason of the facts alleged in paragraph IV herein, Respondent has failed to keep records as required by section 401 of the Act (7 U.S.C. § 221) and, therefore, has willfully engaged in an “unfair practice” in violation of section 312 (a) of the Act (7 U.S.C. §213(a)).

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 Regulations. Respondent 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.; “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

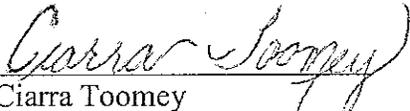
2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act found to exist, and assessing such civil penalty, as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 30 day of September 2008



Alan R. Christian  
Deputy Administrator,  
Packers and Stockyards Program



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