

USDA  
OASIS/CHC

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P & S Docket No. D-09-0034  
)  
Terry Livestock, Inc., )  
)  
)  
)  
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"). Therefore, the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (hereinafter referred to as "Complainant"), pursuant to the Rules of Practice Governing Formal Adjudicatory Proceedings instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.; hereinafter referred to as the "Rules of Practice"), initiates this disciplinary proceeding alleging the following:

I.

(a) Terry Livestock, Inc., hereinafter referred to as "Respondent," is a business incorporated in the State of Texas with a mailing address of PO Box 258, Hargill, TX 78549.

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

- (1) Engaged in the business of a dealer buying and selling livestock in commerce for its own account; and
- (2) Registered with the Secretary of Agriculture as a dealer to buy or sell livestock in commerce.

II.

Respondent was notified by certified letter delivered on July 17, 2007, that the surety bond then maintained by Respondent would terminate on August 30, 2007. Respondent was notified that operation after August 30, 2007, without acquiring a new bond or bond equivalent would be a violation of the Act and could subject Respondent to disciplinary action. Respondent did not obtain a new bond or bond equivalent.

III.

On or about the dates and in the transactions set forth below, Respondent purchased livestock as a dealer in commerce without maintaining an adequate bond or bond equivalent.

Purchase Date	Seller	No. of Head	Total Cost
Sep. 29, 2007	Edinburg Livestock Auction, Inc.	11	\$5,638.55
Oct. 5, 2007	R. Y. Livestock Sales, Inc.	10	\$4,621.43
Oct. 6, 2007	Edinburg Livestock Auction, Inc.	6	\$2,502.03
Oct. 12, 2007	R. Y. Livestock Sales, Inc.	2	\$398.50
Nov. 9, 2007	Luling Livestock Auction	3	\$1,900.00
Nov. 9, 2007	Flatonia Livestock Comm. Co.	7	\$3,404.53
Nov. 14, 2007	Seguin Cattle Company	4	\$2,460.00
Nov. 16, 2007	Luling Livestock Auction	1	\$551.00
Dec. 14, 2007	Luling Livestock Auction	12	\$8,296.80
Dec. 15, 2007	Gonzales Livestock Market, Inc.	2	\$1,400.00
<b>TOTALS</b>		<b>58</b>	<b>\$31,172.84</b>

IV.

By reason of the facts alleged in paragraph III above, Respondent has willfully violated sections 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).

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. 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:

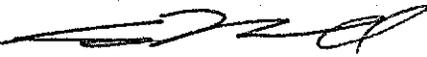
1. That unless Respondent fails to file an answer within the time allowed, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice; and
2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act found to exist, suspending Respondent as a registrant under the Act, and assessing such civil penalty, as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 21 day of November 2008



Alan R. Christian  
Deputy Administrator,  
Packers and Stockyards Program



Gary F. Ball  
Attorney for Complainant  
Office of the General Counsel  
United States Department of Agriculture  
Room 2309, Stop 1413  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250-1413  
Telephone: (202) 720-5293