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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P & S Docket No. D-09-0137
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)
)
Tim Reece,)
d/b/a Tim Reece Cattle Company)
)
Respondent) Complaint

There is reason to believe that Tim Reece d/b/a Reece Cattle Company (hereinafter "Respondent") 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, this complaint is issued alleging the following:

I.

- (a) Respondent is an individual proprietor whose mailing address is P.O. Box 341, Overbrook, KS 66524.
- (b) At all times material herein, Respondent engaged in the business of a dealer purchasing livestock in commerce for the account of others.
- (c) Respondent registered with the Secretary of Agriculture as a dealer on May 15, 1985. On September, 5, 2007, Respondent stated that he had discontinued livestock operations, and his registration was made inactive.

II.

On August 16, 2007, the Packers and Stockyards Program received notice from the CNA Surety Company of Sioux Falls, South Dakota, that Respondent's bond was cancelled, effective September 27, 2007.

On August 24, 2007, Respondent was notified that his bond terminated on September 27, 2007, and that unless Respondent secured a new bond or bond equivalent securing the performance of his dealer obligations, Respondent must discontinue dealer operations for which bonding is required under the Packers and Stockyards Act. Respondent was also notified that continuing operations without proof of adequate bond was a violation of 7 U.S.C. §§ 204 and 213(a) and 9 C.F.R. §§ 201.29 and 201.30.

III.

Notwithstanding the notice to Respondent that he must be bonded in order to operate subject to the Act, Respondent engaged in the business of purchasing livestock in commerce without maintaining an adequate bond as required by the Act and the Regulations. Respondent purchased 1084 head of livestock as a dealer for the account of others at five separate posted stockyards in 41 separate transactions between March 2008 and April 2008, in the total amount of approximately \$695,699.00.

IV.

By reason of the facts alleged in paragraphs II and III, Respondent has engaged in operations subject to the Act without maintaining an adequate bond or bond equivalent and 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).

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.

The 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, requiring that Respondent not engage in operations subject to the Act unless or until he is bonded as required by 7 U.S.C. § 204 of the Act and assessing such civil penalty, as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 16 day of June, 2009



Alan R. Christian
Deputy Administrator,
Packers and Stockyards Program



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