

II.

- (a) On or about the dates and in the transactions listed below, Respondent issued checks in payment for livestock purchases which 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.

Purchased From	Purchase Date	No. of Head	Check Date	Check Number	Check Amount	Return Date (s)
Sumter County Farmers Market	9/30/08	51	10/6/08	1585	\$7,961.15	10/9/08 & 10/15/08
			9/30/05	1597		11/19/08 & 11/25/08
Calhoun Stockyard Highway 53, Inc.	11/20/08	14	Illegible	1588	\$2,298.80	12/22/08
TOTALS		65			\$10,259.95	

- (b) On or about the dates and in the transactions set forth below, Respondent purchased livestock and failed to pay, within the time period required by the Act, the full purchase price of such livestock.

Purchased From	Purchase Date	Due Date per \$409	No. of Head	Purchase Amount	Unpaid Balance
Sumter County Farmers Market	9/30/08	10/01/08	51	\$7,961.15	\$7,961.15
North Florida Livestock Market	11/19/08	11/20/08	37	\$5,449.80	\$5,449.80
Calhoun Stockyard Highway 53, Inc.	11/20/08	11/21/08	14	\$2,298.80	\$998.78 ¹
	12/11/08	12/12/08	7	\$1,277.35	\$1,277.35
	01/15/09	01/16/09	6	\$960.40	\$960.40
TOTALS			115	\$17,947.50	\$16,647.48

¹ Respondent has paid Calhoun Stockyard Highway 53 Inc. a total of \$1,300.02 towards his balance.

- (c) As of the date of issuance of this complaint, the \$16,647.48 referred to in paragraph II (b) above remains unpaid.²

III.

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).

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:

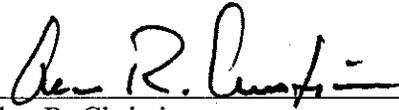
1. That unless Respondent fails to file an answer within the time allowed, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice; and
2. That such order or orders be issued, including an order requiring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

² On November 20, 2008, Sumter County Farmers Market, Inc. filed a bond claim against Respondent's bond in the amount of \$7,961.15 for non-payment of livestock. The total amount of the bond claim filed includes \$7,961.15 in livestock purchases and \$200.00 in freight charges. On March 4, 2009, Calhoun Stockyard Highway 53 Inc. filed a bond claim against Respondent's bond in the amount of \$3,236.53 for non-payment of livestock. On March 3, 2009, the Packers and Stockyards Program received a bond claim against Respondent's bond from North Florida Livestock Market in the amount of \$5,449.80 for non-payment of livestock.

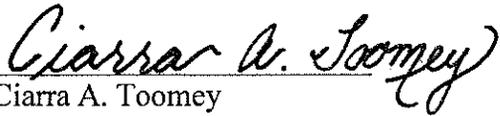
Respondent as a registrant under the Act, and assessing such civil penalty, as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 5 day of August, 2009



Alan R. Christian
Deputy Administrator,
Packers and Stockyards Program



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