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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
) P & S Docket No. D-10-0205
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)
) Respondent) COMPLAINT

There is reason to believe that the Respondent named herein has willfully violated provisions of 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) Duane A. Schmidt (hereinafter "Respondent") is an individual. Respondent's business mailing address is his home address. In order to protect the personal privacy of Respondent, Complainant is not providing the principal's address in this Complaint, but Complainant has provided the address to the Hearing Clerk so that service can be effected.
- (b) Respondent, at all times material herein, was:
- (1) Engaged in the business of buying and selling livestock in commerce for his own account as a dealer; and

(2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account, and as a market agency buying on commission.

II

On or about the dates and in the transactions listed below, Respondent purchased livestock and failed to pay, when due, the full purchase price of such livestock:

Seller	Purchase Date	No. Head	Livestock Amount	Total Invoice	Due Date Per §409	Date Paid	Days Late
Watertown Livestock Auction, Inc.	5/26/09	3	\$1,687.88	\$1,687.88	5/27/09	5/29/09	2
Bales Continental Commission Co.	5/7/09	3	\$1,811.50	\$1,811.50	5/8/09	5/11/09	3
Miller Livestock Auction, Inc.	5/13/09	7	\$3,357.51	\$3,357.51	5/14/09	5/15/09	1
Miller Livestock Auction, Inc.	5/6/09	7	\$2,863.12	\$2,863.12	5/7/09	5/11/09	4
Miller Livestock Auction, Inc.	4/29/09	9	\$3,256.78	\$3,256.78	4/30/09	5/5/09	5

III

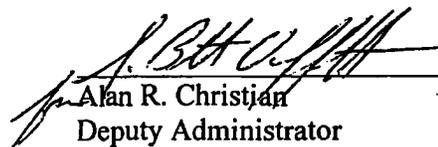
By reason of the facts alleged in paragraph II herein, Respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and § 228b).

WHEREFORE, it is hereby ordered that this Complaint shall be served upon Respondent for the purpose of determining whether the Respondent has willfully violated the Act and the regulations issued thereunder. 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 shall constitute an admission of all the material allegations of this Complaint.

The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (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 accord with the Rules of Practice governing proceedings under the Act.
2. That such order or orders be issued, including an order requiring Respondent, to cease and desist from the violations of the Act with respect to the matters alleged herein, and assessing such penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.
this 2nd day of April, 2010



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program



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