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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. D- 11 - 0001
)
)
Brad Bradley)
d/b/a Farm Direct Pork Company,)
)
)
Respondent)
)
) Complaint

There is reason to believe that Brad Bradley d/b/a Farm Direct Pork Company (hereinafter referred to as "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 whose business mailing address is P.O. Box 420455, Del Rio, Texas 78842.
- (b) At all times material herein, Respondent engaged in the business of a dealer buying and selling livestock in commerce under the Act.
- (c) At all times material herein, Respondent operated as a dealer within the meaning of

and subject to the Act.

II.

On March 18, 2010, Respondent admitted in a signed affidavit that he operated subject to the Act without registering with the Packers and Stockyards Program and maintaining a bond as required by the Act, and stated that he would “cease and desist from buying swine until registered and bonded with the Packers and Stockyards administration and its regulations... .”

III.

Respondent, between November 2009 and January 2010, operated as a dealer purchasing livestock (swine) subject to the Act. (See Attachment 2). Between December 16, 2009 and January 5, 2010, Respondent purchased 1,229 head of livestock in the amount of \$180,551.63. (See Attachment 1). Between December 3, 2009 and January 7, 2010, Respondent sold 1,838 head of livestock (swine) in the amount of \$ 274,042.54. (See Attachment 1). Respondent engaged in the business of a dealer purchasing and selling livestock in commerce without obtaining the necessary registration and bond as required by the Act and the Regulations.

IV.

(a) Respondent, on August 15, 2009, entered into a contract wherein he agreed to pay a purchase price for livestock (swine). Between November 2009 and December 2009, Respondent purchased 2,174 head of livestock pursuant to the contract and paid \$6,648.12 less than the agreed upon price under the contract. (See Attachment 2).

(b) Respondent, between December 16, 2009 and January 5, 2010, purchased 1,229 head of livestock in the amount of \$180,551.63 from one (1) seller in twelve (12) separate transactions and failed to pay for such livestock purchases. (See Attachment 2).

(c) As of the date of filing of this complaint, both the \$6,648.12 amount and the \$180,551.63 amount remained unpaid.

V.

By reason of the facts alleged in paragraphs II and III, Respondent has engaged in operations subject to the Act without being bonded pursuant to the Act and has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)), and section 201.29 of the regulations (9 C.F.R. § 201.29).

By reason of the facts alleged in paragraph III and IV, Respondent has engaged in unfair and deceptive practices and has willfully violated sections 312(a) (7 U.S.C. § 213(a)) and 409 (7 U.S.C. § 228b) of the Act and section 201.43 of the regulations (9 C.F.R. § 201.43).

WHEREFORE, 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 adequately 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 10 day of October, 2010



Alan R. Christian
Deputy Administrator,
Packers and Stockyards Program



Christopher Young-Morales
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
Room 2309, South Building
1400 Independence Avenue, S.W.
Washington, D.C. 20250-1413
Telephone: (301) 865-9318
(410) 279-7100

Section IV Operating Without Registration and Financial Instrument

Schedule of Purchases						
Exhibit	Purchase Date	No. Head Purchased	Livestock Amount	Seller / Purchased From	Purchased For	Page(s)
A-1	12/16/2009	186	\$28,263.86	NFO	Farm Direct Pork Company	213-221
A-2	12/16/2009	350	\$51,842.71	NFO	Farm Direct Pork Company	222-236
A-3	12/22/2009	162	\$22,687.85	NFO	Farm Direct Pork Company	237-248
A-4	12/29/2009	188	\$26,737.98	NFO	Farm Direct Pork Company	249-260
A-5	12/29/2009	162	\$24,247.19	NFO	Farm Direct Pork Company	261-274
A-6	1/5/2010	181	\$26,772.04	NFO	Farm Direct Pork Company	275-283
Schedule of Sales						
	Sale / Invoice Date	No. Head Sold	Livestock Amount	Sold To		Page(s)
B-1	12/3/2009	365	\$54,304.47	Coleman Natural Products, Inc.		284-289
B-2	12/10/2009	317	\$46,824.75	Coleman Natural Products, Inc.		290-293
B-3	12/17/2009	536	\$81,363.47	Coleman Natural Products, Inc.		294-299
B-4	12/24/2009	89	\$13,301.46	Coleman Natural Products, Inc.		300-301
B-5	12/31/2009	350	\$51,240.22	Coleman Natural Products, Inc.		302-306
B-6	1/7/2010	181	\$27,008.17	Coleman Natural Products, Inc.		307-309

ATTACHMENT I



US Department of Agriculture
 Grain Inspection, Packers and Stockyards Administration
 Packers and Stockyards Program (P&SP)
 Schedule of Failure to Pay for Livestock
 Entity Information

Investigation Date	Entity								DBA				Mailing Address				Control Number			
3/4/2010	Breal Bradley								Farm Direct Park Company				PO Box 430468, Dal Rio, TX 78642				42891 Rapid Response			
Purchase / Harvest Date	Seller's Name/Lead #	Purchase Type	Number of Head	Livestock Amount	Net Invoice Adjustments	Net Invoice	Credit Agreement	Credit Days	Due Date	Payment Date	Payment Instrument	Payment Instrument Number	Payment Amount	Amount Outstanding	Days Late Per Instrument Data	Date Cleared Bank	Instrument Date to Date Cleared	Remarks	Page Number	
11/18/2009	NFO/Turnm 8003	Formula	184	\$24,137.81					11/18/2009										28-48	
11/18/2009	NFO/Forin 8008	Formula	188	\$25,848.02					11/19/2009										47-52	
11/18/2009	TOTAL		372			\$49,985.83	No	0	11/19/2009				\$3,820.57	Unpaid			per NFO statement dated 3/4/10, shortage on load 8003	53-64		
12/1/2009	NFO/Hammen 8003	Formula	104	\$18,782.84					12/2/2009										96-91	
12/1/2009	NFO/Turnm 8002	Formula	75	\$11,456.47					12/2/2009										82-85	
12/1/2009	NFO/Turnm 8001	Formula	188	\$28,221.87					12/2/2009										68-71	
12/1/2009	TOTAL		367			\$55,431.38	No	0	12/2/2009				\$1,952.71	Unpaid			per NFO statement dated 3/4/10, shortage on load 8001	72-73		
12/10/2009	NFO/Hammen 8010	Formula	130	\$19,778.88					12/11/2009										75-80	
12/10/2009	NFO/Turnm 8008	Formula	167	\$27,389.98					12/11/2009										81-86	
12/10/2009	TOTAL		317			\$47,168.82	No	0	12/11/2009	12/22/2009	Check	10815	\$48,089.83	\$1,074.84	Unpaid		per NFO statement dated 3/4/10, shortage on loads 8008, 8010	87-88		
12/10/2009	trucking								12/11/2009					\$250.00	Unpaid		per NFO statement dated 3/4/10, balance due on 12/10/09	88		
Total for 11/18/09 - 12/10/09													\$6,898.12							
12/18/2009	NFO/Turnm 8003	Formula	188	\$28,283.88		\$28,283.88	No	0	12/17/2009						Unpaid				90-98	
12/18/2009	NFO/Hammen 8004	Formula	178	\$26,308.71					12/17/2009						Unpaid				100-108	
12/18/2009	NFO/Hammen 8007	Formula	174	\$25,534.00					12/17/2009						Unpaid				107-112	
12/18/2009	TOTAL	Formula	360			\$51,842.71	No	0	12/17/2009						Unpaid				113-114	
12/22/2009	NFO/Hammen 8011	Formula	71	\$9,848.84					12/23/2009						Unpaid				118-119	
12/22/2009	NFO/Rokay 8010	Formula	51	\$8,885.90					12/23/2009						Unpaid				122-124	
12/22/2009	NFO/Witzig 8009	Formula	40	\$5,752.11					12/23/2009						Unpaid				127-129	
12/22/2009	TOTAL		162			\$22,887.85	No	0	12/23/2009						Unpaid				132-133	
12/29/2009	NFO/Hoffman 8010	Formula	98	\$14,572.83					12/30/2009						Unpaid				135-140	
12/29/2009	NFO/Hoffman 8011	Formula	80	\$12,166.38					12/30/2009						Unpaid				141-144	
12/29/2009	TOTAL	Formula	168			\$26,737.88	No	0	12/30/2009						Unpaid				145-148	
12/29/2009	NFO/Hammen 8012	Formula	80	\$12,125.54					12/30/2009						Unpaid				146-152	
12/29/2009	NFO/Rokay 8013	Formula	30	\$4,160.81					12/30/2009						Unpaid				153-158	
12/28/2009	NFO/Witzig 8014	Formula	52	\$7,860.74					12/30/2009						Unpaid				156-158	
12/28/2009	TOTAL		162			\$24,247.19	No	0	12/30/2009						Unpaid				160-161	
1/5/2010	NFO/Hoffman 8009	Formula	181	\$28,772.04		\$28,772.04	No	0	1/6/2010						Unpaid				163-171	
Total 12/18/09 - 1/5/2010													1,329	\$180,881.63	\$180,551.63					
TOTAL															\$187,449.75					

ATTACHMENT 2



Christian
Butler

United States
Department of
Agriculture

CERTIFIED RECEIPT REQUESTED

Office of
Administrative
Law Judges

October 8, 2010

Hearing Clerk

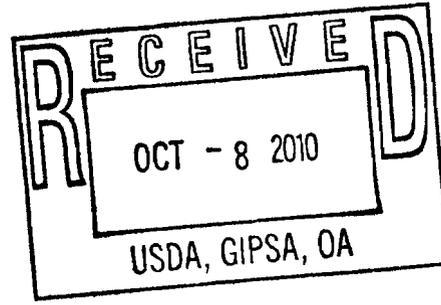
Brad Bradley
d/b/a Farm Direct Pork Company
P. O. Box 420455
Del Rio, Texas 78842

Room 1031
South Building

1400 Independence
Avenue SW

Washington, DC
20250-9200

(202) 720-4443
(202) 720-9776 fax



Dear Respondent:

Subject: **In re: Brad Bradley, Respondent -
P & S Docket No. D-11-0001**

Enclosed is a copy of the Complaint, which has been filed with this office under the Packers and Stockyards Act.

Also enclosed is a copy of the rules of practice which govern the conduct of these proceedings. You should familiarize yourself with rules in that the comments which follow are not a substitute for their exact requirements.

The rules specify that you may represent yourself personally or by an attorney of record. Unless an attorney files an appearance in your behalf, it shall be presumed that you have elected to represent yourself personally. Most importantly, you have **20 days from the receipt of this letter to file with the Hearing Clerk an original and three copies of your written and signed answer to the complaint.**

In the event this proceeding does go to hearing, the hearing shall be formal in nature and will be held and the case decided by an Administrative Law Judge on the basis of exhibits received in evidence and sworn testimony subject to cross-examination.

You must notify us of any future address changes. Failure to do so may result in a judgment being entered against you without your knowledge. We also need your present and future telephone number.

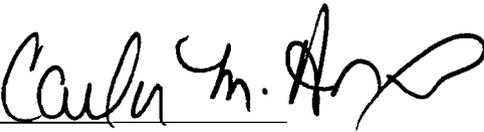
Your answer, as well as any motions or requests that you may hereafter wish to file in this proceeding, should be submitted in quadruplicate to the Hearing Clerk, OALJ, Room 1031, South Building, United States Department of Agriculture, Washington, D.C. 20250-9200.

cc: Affutt

Questions you may have respecting the possible settlement of this case, should be directed to the attorney whose name and telephone number appear on the last page of the complaint.

Sincerely,

L. EUGENE WHITFIELD
Hearing Clerk

By 
CARLA M. ANDREWS
Assistant Hearing Clerk

Enclosure(s)

Sent to: Christopher Young-Morales, OGC
Alan R. Christian, P&SP

caa: 10/8/2010