

USDA  
OALYONC

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

7/11 11:20 AM '10: 44

RECEIVED

In re:	)	
	)	P & S Docket No. D-11- 0133
Mike McEnroe,	)	
	)	
	)	
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) Mike McEnroe (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.

## II

On or about the dates and in the transactions set forth in Appendix A, Respondent purchased livestock and failed to pay, when due, the full purchase price of such livestock.

## 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.*). 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; and
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 28 day of January, 2011



Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Program



Brian Sylvester  
Attorney for Complainant  
U.S. Department of Agriculture  
Office of the General Counsel  
1400 Independence Avenue, S.W.  
Room 2313-S  
Washington, D.C. 20250-1413

**Appendix A**

<b>Purchase</b>		<b>Net Invoice</b>	<b>Due Date</b>	<b>Payment Date</b>	<b>Payment Amount</b>	<b>Days Late Per Instrument Date</b>
<b>Date</b>	<b>Seller's Name</b>					
4/17/2009	Northern Livestock Auction	22,214.26	4/20/2009	4/23/2009	22,214.26	3
5/1/2009	Northern Livestock Auction	8,110.04	5/4/2009	5/6/2009	8,110.04	2
5/5/2009	Jamestown Livestock	8,964.41	5/6/2009	5/11/2009	8,964.41	5
5/12/2009	Jamestown Livestock	3,174.13	5/13/2009	5/19/2009	3,174.13	6
5/15/2009	Northern Livestock Auction	5,796.42	5/18/2009	5/20/2009	5,796.42	2
5/26/2009	Jamestown Livestock	1,249.73	5/27/2009	5/30/2009	1,249.73	3
6/12/2009	Northern Livestock Auction	124,781.41	6/15/2009	6/18/2009	124,781.41	3
9/1/2009	Lake Region Livestock	17,557.88	9/2/2009	9/8/2009	17,557.88	6
9/3/2009	Rugby Livestock Sales Inc	6,181.08	9/4/2009	9/12/2009	6,181.08	8
9/15/2009	Lake Region Livestock	35,551.64	9/16/2009	9/21/2009	35,551.64	5
9/15/2009	Jamestown Livestock	1,578.33	9/16/2009	9/21/2009	1,578.33	5
9/17/2009	Rugby Livestock Sales Inc	385,153.37	9/18/2009	9/23/2009	385,153.37	5
9/18/2009	Northern Livestock Auction	26,049.67	9/21/2009	9/25/2009	26,049.67	4
9/22/2009	Lake Region Livestock	3,092.98	9/23/2009	9/28/2009	3,092.98	5
9/22/2009	Jamestown Livestock	5,980.95	9/23/2009	9/28/2009	5,980.95	5
9/24/2009	Rugby Livestock Sales Inc	29,013.74	9/25/2009	9/30/2009	29,013.74	5
9/25/2009	Northern Livestock Auction	17,868.30	9/28/2009	10/1/2009	17,868.30	3
9/29/2009	Lake Region Livestock	12,442.25	9/30/2009	10/5/2009	12,442.35	5
10/1/2009	Rugby Livestock Sales Inc	117,961.93	10/2/2009	10/8/2009	117,961.93	6
10/2/2009	Northern Livestock Auction	10,097.07	10/5/2009	10/13/2009	10,097.07	8
10/6/2009	Lake Region Livestock	13,102.48	10/7/2009	10/14/2009	13,102.48	7
10/6/2009	Jamestown Livestock	2,765.23	10/7/2009	10/13/2009	2,765.23	6
10/8/2009	Rugby Livestock Sales Inc	257,111.19	10/9/2009	10/14/2009	257,111.19	5
10/9/2009	Northern Livestock Auction	207,010.25	10/13/2009	10/16/2009	207,010.25	3
10/13/2009	Lake Region Livestock	5,333.68	10/14/2009	10/19/2009	5,333.68	5
10/15/2009	Rugby Livestock Sales Inc	112,923.92	10/16/2009	10/22/2009	112,923.89	6
10/15/2009	Napoleon Livestock Auction Inc	23,487.86	10/16/2009	10/20/2009	23,487.86	4

Purchase		Net Invoice	Due Date	Payment Date	Payment Amount	Days Late
Date	Seller's Name					Instrument
10/16/2009	Northern Livestock Auction	41,284.20	10/19/2009	10/23/2009	41,284.20	4
10/20/2009	Lake Region Livestock	30,529.10	10/21/2009	10/27/2009	30,529.10	6
10/20/2009	Jamestown Livestock	4,106.26	10/21/2009	10/30/2009	4,106.26	9
10/22/2009	Napoleon Livestock Auction Inc	8,203.29	10/23/2009	10/29/2009	8,203.29	6
10/22/2009	Rugby Livestock Sales Inc	19,398.13	10/23/2009	10/29/2009	19,398.13	6
10/23/2009	Northern Livestock Auction	117,579.09	10/26/2009	10/30/2009	117,579.09	4
10/27/2009	Lake Region Livestock	23,067.37	10/28/2009	11/3/2009	23,067.37	6
10/29/2009	Rugby Livestock Sales Inc	12,627.25	10/30/2009	11/5/2009	12,627.25	6
10/30/2009	Northern Livestock Auction	73,965.68	11/2/2009	11/6/2009	73,965.68	4
11/3/2009	Farmers Livestock Exchange	12,173.83	11/4/2009	11/9/2009	12,173.83	5
11/3/2009	Lake Region Livestock	23,411.50	11/4/2009	11/10/2009	23,411.50	6
11/3/2009	Jamestown Livestock	2,803.73	11/4/2009	11/9/2009	2,803.73	5
11/4/2009	Kist Livestock Auction	88,057.55	11/5/2009	11/10/2009	88,057.55	5
11/5/2009	Rugby Livestock Sales Inc	66,645.33	11/6/2009	11/11/2009	66,645.33	5
11/6/2009	Northern Livestock Auction	80,795.99	11/9/2009	11/12/2009	80,795.99	3
11/10/2009	Jamestown Livestock	3,564.73	11/12/2009	11/16/2009	3,564.73	4
11/10/2009	Lake Region Livestock	10,019.13	11/12/2009	11/16/2009	10,019.13	4
11/12/2009	Napoleon Livestock Auction Inc	6,070.45	11/13/2009	11/19/2009	6,070.45	6
11/12/2009	Rugby Livestock Sales Inc	25,154.91	11/13/2009	11/18/2009	25,154.91	5
11/13/2009	Northern Livestock Auction	63,095.95	11/16/2009	11/20/2009	63,095.95	4
11/17/2009	Jamestown Livestock	485.00	11/18/2009	11/23/2009	485.00	5
11/17/2009	Lake Region Livestock	36,696.00	11/18/2009	11/24/2009	36,696.00	6
11/17/2009	Stockmen's Livestock West	40,252.78	11/18/2009	11/27/2009	40,252.78	9
11/18/2009	Kist Livestock Auction	59,885.36	11/19/2009	11/24/2009	59,885.36	5
11/19/2009	Rugby Livestock Sales Inc	66,725.27	11/20/2009	11/30/2009	66,725.27	10
11/19/2009	Napoleon Livestock Auction Inc	6,446.67	11/20/2009	11/30/2009	6,446.67	10
11/20/2009	Northern Livestock Auction	147,417.56	11/23/2009	11/27/2009	147,417.56	4
11/23/2009	Rugby Livestock Sales Inc	14,224.27	11/24/2009	12/2/2009	14,224.27	8
11/24/2009	Lake Region Livestock	33,352.13	11/25/2009	12/1/2009	33,352.13	6
11/24/2009	Jamestown Livestock	2,586.79	11/25/2009	12/2/2009	2,586.79	7
11/25/2009	Kist Livestock Auction	24,465.09	11/27/2009	12/1/2009	24,465.09	4

Purchase		Net Invoice	Due Date	Payment Date	Payment Amount	Days Late
Date	Seller's Name					Per Instrument Date
11/27/2009	Northern Livestock Auction	11,857.37	11/30/2009	12/4/2009	11,857.37	4
1/20/2010	Kist Livestock Auction	28,159.28	1/21/2010	1/27/2010	28,159.28	6
Totals:		2,649,661.24			2,649,661.31	