

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. D-120/25
James M. Brantley,)
James H. Brantley, d.b.a.)
Southeastern Provision, LLC)
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)
)
Respondents) Complaint and Notice of Hearing

There is reason to believe that the Respondents named herein have willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. §§ 201.1-201.200) (regulations), and, therefore, this complaint and notice of hearing is issued alleging the following:

I.

(a) Southeastern Provision, LLC (Southeastern) was a limited liability corporation organized and operating under the laws of Tennessee, which was dissolved by the State of Tennessee as of August 19, 2005. Its business address is 1617 Helton Rd, Bean Station, Tennessee 37708.

(b) At all times material to this Complaint and Notice of Hearing, Southeastern was:

(1) A partnership, nominally a limited liability company, wholly owned by James M. Brantley and James H. Brantley;

(2) Engaged in the business of buying livestock in commerce for the purpose of slaughter; and

(3) A packer within the meaning of, and subject to the provisions of, the Act.

(c) James M. Brantley is an individual whose business mailing address is 1617 Helton Road, Bean Station, Tennessee 37708.

(d) At all times material to this Complaint and Notice of Hearing, Respondent James M. Brantley is:

(1) A 1% owner and partner of Southeastern;

(2) Responsible, as a partner with James H. Brantley, for the operations of Southeastern;

(3) Responsible for the day-to-day management, operation and control of Southeastern; and

(3) A packer within the meaning of, and subject to the provisions of, the Act.

(e) James H. Brantley is an individual whose business mailing address is 1617 Helton Road, Bean Station, Tennessee 37708.

(f) At all times material to this Complaint and Notice of Hearing, Respondent James H. Brantley is:

(1) A 99% owner and partner of Southeastern

(2) Responsible, as a partner with James H. Brantley, for the operations of Southeastern; and

(3) A packer within the meaning of, and subject to the provisions of, the Act.

II.

On May 17, 2007, Southeastern received a Letter of Notice from the Packers and Stockyards Program, addressed to James Brantley, stating that its weighing practices were in violation of of the Act (7 U.S.C. § 192) and section 201.99(d), of the regulations (9 C.F.R. §§ 201.99(d), because the weight of 100% of the sampled trolleys was not within +/- 2 ounces of the average weight of the trolleys. Southeastern was further informed that continued violations of the Act and regulations may result in disciplinary action.

III.

(a) On August 13, 2008, August 18, 2010, and September 28, 2011, Southeastern, under the direction, management and control of the individual respondents, in connection with its purchase of livestock on a carcass grade and weight basis, failed to use hooks, rollers, gambrels, and other equipment that were uniform in weight.

(b) From August 13, 2008 to October 15, 2008, and later, and at least on August 18, 2010, and September 28, 2011, Southeastern operated a monorail scale in connection with its purchases of livestock without a printing device connected to the scale to record the weights on a scale ticket or other document.

(c) On August 13, 2008, and on September 28, 2011, Southeastern, under the direction, management and control of the individual respondents, when purchasing livestock on a carcass grade and weight basis, used a tare of 9 lbs, which was in

excess of the average weight of the hooks, rollers, gambrels, and other equipment used in connection with the weighing of carcasses.

(d) On August 12-13, 2008, Southeastern, under the direction, management and control of the individual respondents, purchased 23 carcasses on a hot weight basis but did not pay according to the original hot weight recorded on the kill sheets.

(e) On August 18, 2010, Southeastern, under the direction, management and control of the individual respondents, purchased a cow from Williams Cattle Company for 138 lbs less than the recorded hot weight and thereby paid less than the full amount due to Williams Cattle Company.

IV

By reason of the facts alleged in paragraph III, Respondents have willfully violated sections 202(a) and 409 of the Act, (7 U.S.C. §§ 192(a), 228b), and sections 201.71(b) and 201.99(d) of the regulations (9 C.F.R. §§ 201.71(b), 201.99(d)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondents have in fact willfully violated the Act and regulations issued thereunder, this Complaint and Notice of Hearing shall be served upon Respondents. Respondents shall have twenty (20) days following receipt of this Complaint and Notice of Hearing 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.). Failure to file an answer shall constitute an admission of all the material allegations of this Complaint and Notice of Hearing.

Respondents are hereby notified that unless hearing is waived, either expressly or by failure to answer and request a hearing, a hearing will be held in accordance with the Rules of Practice, at a place and time to be designated later. At the hearing, Respondents will have the right to appear and show cause why an appropriate Order should not be issued in accordance with the provisions of the Act which require that Respondents cease and desist from violating the Act with respect to matters alleged herein and assessing such civil penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.
this 20 day of December, 2011



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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