

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

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P&S Docket No.

72-0187

Doyle Harms d.b.a.
Harms Livestock,

Respondent

Complaint

There is reason to believe that Doyle Harms has 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 (9 C.F.R. Part 201)(Regulations), and therefore, this complaint is issued alleging the following:

I.

(a) Doyle Harms, d.b.a. Harms Livestock (Respondent), is an individual, whose business address 39130 179th St., Redfield, South Dakota 57469.

(b) Respondent is and at all times material to this complaint was:

(1) Engaged in the business of buying and selling livestock in commerce for his own account and buying livestock in commerce on a commission basis; and

(2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

II.

(a) On September 17, 2008, Administrative Law Judge Davenport entered a Decision Without Hearing by Reason of Consent in the case *In re: Doyle Harms, d.b.a. Harms Livestock*, P&S Docket No. D-08-0100, that ordered Respondent to cease and desist from failing to pay, when due, the full purchase price of livestock as required by section 409 of the Act (7 U.S.C. § 228b).

(b) The provisions of the cease and desist order are still in effect.

III.

(a) During the period of May 7, 2009 through December 28, 2009, Respondent issued eight checks, in a total amount of over \$600,000, to two livestock sellers, in purported payment for livestock purchases, that 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.

(b) Including the transactions described in paragraph (a), beginning on April 17, 2009 and through December 22, 2009, Respondent failed to pay, when due, the full purchase price of livestock in an approximate amount of over \$1.8 million, by making payment for such livestock from approximately one to fifteen days late.

(c) On December 6, 2011, and December 12, 2011, Respondent issued eight checks, in an amount of over \$200,000, to Napoleon Livestock of Napoleon North Dakota, in purported payment for livestock purchases, that 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.

(d) Including the transactions described in paragraph (c), beginning on October 28, 2011 through December 16, 2011, Respondent failed to pay, when due, the full purchase price of livestock in an approximate amount of over \$700,000, by making payment for such livestock from approximately three to twelve days late.

IV.

(a) By reason of the facts alleged in paragraph III, 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 the regulations. Respondent shall have twenty (20) days after receipt of this complaint to file an answer with the Hearing Clerk, United States Department of Agriculture, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9200, 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 Respondent as a registrant under the Act, and assessing such penalties as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 19 day of January, 2012



ALAN R. CHRISTIAN
Deputy Administrator,
Packers and Stockyards Program

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