

News Release Archive

2009

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News Release

Release No.: 02-09

Contact:
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GIPSA Official Designation Activities

WASHINGTON, March 19, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) today announced the following actions on designations to officially inspect and weigh grain in specified areas in Arkansas, Indiana, Iowa, Idaho, Kentucky, Minnesota, Mississippi, Nebraska, North Dakota, Oregon, South Dakota, Texas, Tennessee, and Utah. Entities are designated to inspect and weigh grain based upon a comprehensive selection process.

GIPSA is seeking applicants to provide official services in Pocatello, Idaho; Lewiston, Idaho; Evansville, Indiana; and Utah areas, and requests comments on the official agencies serving these areas. GIPSA is asking for applications and comments about the current service providers by April 1, 2009.

GIPSA has designated Grain Inspection, Inc. (Jamestown); Lincoln Inspection Service, Inc. (Lincoln); Midsouth Grain Inspection Service (Midsouth); and Sioux City Inspection and Weighing Service Company (Sioux City) to inspect or inspect and weigh grain effective April 1, 2009, through March 31, 2012. For official grain inspection services, contact Jamestown at 701- 252-1290, Lincoln at 402-435-4386, Midsouth at 901-942-3216, and Sioux City at 712-255- 8073.

For further information contact Virginia Roseberry at 202-720-9803, fax 202-690-2755 or e-mail Virginia.V.Roseberry@usda.gov

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News Release

Release No.: 24-09

Contact:
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GIPSA Seeks Comments on U.S. Standards for Whole Dry Peas and Split Peas

Washington, April 20 - The USDA Grain Inspection, Packers and Stockyards Administration is seeking comments on a notice proposing to revise the U.S. Standards for Whole Dry Peas and Split Peas that published in today's Federal Register.

Specifically, GIPSA is proposing to amend the general definitions "Whole Dry Peas" and "Split Peas," and the following specific definitions: "Smooth Green Dry Peas," "Smooth Yellow Dry Peas," "Wrinkled Dry Peas," "Green Split Peas," and "Yellow Split Peas." In addition,

GIPSA is proposing to modify the classification terms and associated definitions for "Winter Dry Peas" and "Winter Split Peas." "GIPSA standards serve as the fundamental starting point to define commodity quality in the domestic and global marketplaces," said GIPSA acting administrator Alan Christian. "The proposed changes will help facilitate the marketing of new winter pea variety releases and help ensure the purity of class for Whole Dry Peas and Split Peas."

Comments on GIPSA's notice must be submitted to Tess Butler, GIPSA, USDA, 1400 Independence Avenue, SW, Room 1643-S, Washington, DC 20250-3604; via email to comments.gipsa@usda.gov; by fax (202) 690-2173; or via Internet at <http://www.regulations.gov> by May 20, 2009.

For further information, contact Beverly Whalen at USDA, GIPSA, at (816) 823-4648 or via email to Beverly.A.Whalen@usda.gov.

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News Release

Release No.: 01-09

Contact:
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GIPSA Official Designation Activities

Washington, April 20, 2009 - USDA's Grain Inspection, Packers and Stockyards Administration (GIPSA) announces the following designation to officially inspect and weigh grain in specified areas in East Texas.

GIPSA has designated Central Illinois Grain Inspection, Inc. to inspect and weigh grain in East Texas, effective April 20, 2009. Central Illinois' current designation, which terminates on March 31, 2011, will be amended to include the east Texas area. For official grain inspection services, contact Central Illinois at 309-827-7121.

For further information contact Virginia Roseberry at 202-720-9803, fax 202-690-2755 or e-mail Virginia.V.Roseberry@usda.gov.

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News Release

Release No.: 35-09

Contact:
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Vilsack Names Grain Inspection Advisory Committee Members and Alternates

WASHINGTON, June 1, 2009 - Agriculture Secretary Thomas J. Vilsack today announced the appointment of six members and four alternate members to serve on the U.S. Department of Agriculture's Grain Inspection Advisory Committee. The appointees will serve 3-year terms.

"I am pleased that these individuals have agreed to serve on the Grain Inspection Advisory Committee," said Vilsack. "They bring a great deal of knowledge and experience to this board."

The new members are: Tammy L. Basel, vice president, Women Involved in Farm Economics, Union Center, SD; Theresa S. Cogswell, consultant/president, BakerCogs, Inc., Olathe, KS; Jerry D. Cope, commodity manager, South Dakota Wheat Growers; Aberdeen, SD; Thomas C. Dahl, vice-president, Sioux City Inspection and Weighing Service Company, Sioux City, IA; Warren J. Duffy, vice-president, ADM Grain, Ama, LA; and Mark E. Hodges, executive director, Oklahoma Wheat Commission, Oklahoma City, OK.

The new alternate members are: Paul A. Coppin, general manager, Reynolds United Co-op, Reynolds, ND; Godfrey R. Friedt, director of elevator operations, Omaha, NE; Brian L. King, manager, Ritter Grain Service, Marked Tree, AR; and Gene E. McEntee, senior management, Colusa Elevator, Co., Nauvoo, IL .

The Grain Inspection Advisory Committee is comprised of 15 members and 15 alternate members appointed by the Secretary of Agriculture who represent all facets of the grain industry.

The Committee meets twice annually to advise USDA on the establishment of programs and services under the U.S. Grain Standards Act.



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News Release

Release No.: 36-09

Contact:
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GIPSA Official Designation Activities

Washington, DC, June 1, 2009 -The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) announces the following actions on designations to officially inspect and weigh grain in the specified areas of California, Indiana, Iowa, Idaho, Kansas, North Dakota, and Virginia.

GIPSA is asking for applicants to provide official services in the California; Frankfort, IN; Indianapolis, IN; and Virginia areas and is requesting comments on the official agencies serving these areas. Please submit applications and/or comments to GIPSA by July 1, 2009.

GIPSA has designated Kansas Grain Inspection Service, Inc. (Kansas); Mid-Iowa Grain Inspection, Inc. (Mid-Iowa); Minot Grain Inspection, Inc. (Minot); and Tri-State Grain Inspection Service, Inc. (Tri-State) to inspect or inspect and weigh grain effective July 1, 2009, through June 30, 2012. For official grain inspection services, contact Kansas at 785-233-7063, Mid-Iowa at 319-363-0239, Minot at 701-838-1734, and/or Tri-State at 513-251-6571.

For further information contact Virginia Roseberry at 202-720-9803, fax 202-690-2755 or e-mail Virginia.V.Roseberry@usda.gov

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News Release

Release No.: 42-09

Contact:
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GIPSA Official Designation Activities

WASHINGTON, D.C. (June 23, 2009) - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) announces the following actions on designations to officially inspect grain in the specified areas of northeast Texas.

GIPSA has designated Gulf Country Inspection Service, Inc. (Gulf Country) to inspect and weigh grain in northeast Texas, effective June 23, 2009. Gulf Country's designation will terminate on December 31, 2010.

For official grain inspection services, contact Gulf Country at 214-500-5212.

For further information contact Thomas C. O'Connor at 202-720-8262, fax 202-720-0250 or email Thomas.C.Oconnor@usda.gov.

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News Release

Release No.: 62-09

Contact:
Terry Henry, 202-205-8281
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GIPSA Official Designation Activities

WASHINGTON, D.C. (August 31, 2009) - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) announces the following actions on designations to officially inspect and weigh grain in the specified areas of Pocatello, ID; Lewiston, ID; Evansville, IN; and Utah.

GIPSA has designated Idaho Grain Inspection Service, Inc. (Idaho); Lewiston Grain Inspection Service, Inc. (Lewiston); Ohio Valley Grain Inspection, Inc. (Ohio Valley); and Utah Department of Agriculture and Food (Utah) to inspect or inspect and weigh grain effective October 1, 2009, through September 30, 2012. For official grain inspection services, contact Idaho at 208-233-8303, Lewiston at 208-746-0451, Ohio Valley at 812-423-9010 and/or Utah at 801-392-2292.

For further information contact Erik Mojica at 202-720-0414, fax 202-690-2755 or e-mail at Erik.A.Mojica@usda.gov.

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News Release

Release No.: 64-09

Contact:
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GIPSA Official Designation Activities

WASHINGTON, DC (Sept. 4, 2009) - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) announces the following action on designations to officially inspect and weigh grain in the specified areas of Champaign, IL; Detroit, MI; Davenport, IA; Enid, OK; Keokuk, IA; Marshall, MI; and Omaha, NE areas.

GIPSA is asking for applications to provide official services in the Champaign, IL; Detroit, MI; Davenport, IA; Enid, OK; Keokuk, IA; Marshall, MI; and Omaha, NE areas. Additionally, GIPSA is requesting comments on the official agencies presently serving these areas. Please submit applications and/or comments to GIPSA by October 1, 2009.

For further information contact Erik Mojica at 202-720-0414, fax 202-690-2755 or e-mail at Erik.A.Mojica@usda.gov.

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News Release

Release No.: 78-09

Contact:
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GIPSA Grain Inspection Advisory Committee to Meet

Washington, DC, Nov. 3, 2009 - The USDA, Grain Inspection, Packers and Stockyards Administration's Grain Inspection Advisory Committee will meet November 17-18, 2009, in Kansas City, Missouri.

The Committee meeting will take place from 8:00 a.m.-4:30 p.m., November 17, 2009, and 8:00 a.m.- noon, November 18, 2009, at the Embassy Suites Hotel-Kansas City Plaza, 220 West 43rd Street, Kansas City, Missouri 64111.

Requests to address the Committee at the meeting or written comments may be sent to: Administrator, GIPSA, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 3601, Washington, DC 20250-3601. Requests and comments may also be faxed to (202) 690-2173.

The purpose of the Advisory Committee is to provide advice to the Administrator of the Grain Inspection, Packers and Stockyards Administration with respect to the implementation of the U.S. Grain Standards Act (7 U.S.C. 71 et seq.). Relevant information about the Advisory Committee is available on the GIPSA web site. Under the section I Want To, select Learn about the Grain Inspection Advisory Committee.

The agenda will include an overview of GIPSA's programs, crop production and marketing outlook, update on sorghum odor, container regulation changes, wheat standards, status of quality management program implementation, update on international programs, laboratory proficiency program, and the Yamamoto rice sheller study.

For a copy of the agenda please contact Terri Henry, (202) 205-8281 or by e-mail Terri.L.Henry@usda.gov.

Public participation will be limited to written statements, unless permission is received from the Committee Chair to orally address the Committee. The meeting will be open to the public.



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News Release

Release No.: 82-09

Contact:
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GIPSA Seeking Members for Grain Inspection Advisory Committee

Washington, DC, Nov. 10, 2009 - The Department of Agriculture's (USDA) Grain Inspection, Packers and Stockyards Administration (GIPSA) is seeking nominations for individuals to serve on the USDA Grain Inspection Advisory Committee (Advisory Committee). Nominations are being sought for 5 members and 8 alternate members, all of whom will begin serving their 3-year terms in April 2010.

The Advisory Committee meets twice annually to advise GIPSA on the programs and services it delivers under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.). Recommendations by the Advisory Committee help GIPSA better meet the needs of its customers who operate in a dynamic and changing marketplace. The Advisory Committee is comprised of 15 members and 15 alternate members appointed by the Secretary of Agriculture who represent all facets of the U.S. grain industry.

Members of the Advisory Committee serve without compensation, but are reimbursed for travel expenses. Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status, or sexual orientation.

GIPSA will consider nominations received by January 11, 2010. Interested individuals must complete nomination form AD-755. A list of current Advisory Committee members and other relevant information are available on the GIPSA website at www.gipsa.usda.gov. Under the section I Want To, select Learn about the Grain Inspection Advisory Committee.

For additional information, contact Terri Henry, GIPSA, at 202-205-8281 or via email at Terri.L.Henry@usda.gov. A notice to solicit nominees was published in the November 10, 2009, Federal Register.

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News Release

Release No.: 81-09

Contact:
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GIPSA Seeks Public Comment on Official U.S. Wheat Standards

WASHINGTON, Nov. 27, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) is seeking public comment on any changes needed to the U.S. Standards for Wheat or current official grading practices for wheat.

Since the wheat standards were last revised in 2006, there have been numerous changes in wheat breeding and production practices; the technology used to harvest, process, and test wheat; and in wheat marketing that may necessitate changes to the standards or grading practices.

"To best serve the market, we must ensure that that standards and official grading practices remain relevant," said GIPSA administrator J. Dudley Butler. "The standards facilitate the marketing of U.S. wheat and ensure that both domestic and international customers receive the quality of U.S. wheat that they purchased."

GIPSA's Advance Notice of Proposed Rulemaking seeking public comment on changes needed to the current wheat standards and grading practices was published in today's Federal Register. Comments must be received by February 25, 2010. Comments may be submitted via email to comments.gipsa@usda.gov; regular mail, courier, or hand delivery to Tess Butler, GIPSA, USDA, 1400 Independence Avenue, SW, Room 1647-S, Washington, DC, 20250-3604; fax to (202) 690-2755; or via the Federal eRulemaking Portal at <http://www.regulations.gov>.

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Jennifer Porter, 202-720-9170



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News Release

Release No.: 91-09

Contact:
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GIPSA Official Designation Activities

WASHINGTON, D.C. (Dec. 9, 2009) - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) announces the following actions on designations to officially inspect and weigh grain in specified areas of California, Indiana, Maryland, Nebraska, and Virginia.

GIPSA has designated California Agri Inspection Company, Ltd. (California Agri, located in West Sacramento, CA); Frankfort Grain Inspection, Inc. (Frankfort located in Frankfort, IN); Indianapolis Grain Inspection & Weighing Service, Inc. (Indianapolis located in Indianapolis, IN); and Virginia Department of Agriculture and Consumer Services (Virginia located in Richmond, VA) to inspect or inspect and weigh grain effective January 1, 2010, through December 31, 2012. For official grain inspection services, contact California Agri at 916-374-9700, Frankfort at 765-258-3624, Indianapolis at 317-899-2337, and Virginia at 804-786-0480.

GIPSA is asking for applications to provide official services in the Muncie, IN; West Lafayette, IN; Fremont, NE; and Maryland. Additionally, GIPSA is requesting comments on the official agencies presently serving these areas. Please submit applications and/or comments to GIPSA by January 4, 2010.

For further information contact Erik Mojica at 202-720-0414, fax 202-690-2755 or e-mail at Erik.A.Mojica@usda.gov.

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News Release

Release No.: 0151-09

Contact:
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Agriculture Secretary Vilsack Names J. Dudley Butler to Serve as Administrator of Grain Inspection, Packers and Stockyards Administration

WASHINGTON, May 6, 2009-Agriculture Secretary Tom Vilsack today announced that J. Dudley Butler will serve as Administrator of the Grain Inspection, Packers and Stockyards Administration (GIPSA) at the USDA in Washington, D.C.

“Dudley Butler has a solid understanding of issues impacting the agriculture industry and brings a lifetime of experience to the USDA that will help keep our food supply safe,” said Vilsack.

“He’s also demonstrated a commitment to helping rural America prosper, which is consistent with the vision that the President and I share.”

GIPSA facilitates the marketing of livestock, poultry, meat, cereals, oilseeds, and related agricultural products, and promotes fair and competitive trading practices for the overall benefit of consumers and American agriculture. The agency is part of USDA’s Marketing and Regulatory Programs mission area which works to ensure a productive and competitive global marketplace for U.S. agricultural products.

Butler has been an attorney in private practice for over three decades and is a certified mediator and arbitrator. He’s also been involved in cattle, timber and farming operations, and in the 80’s and 90’s, owned cattle in Wyoming and traded cattle in states including Texas, Oklahoma, Colorado, Montana, Nebraska and Utah.

Butler has consistently worked on both the state and national level to protect the rights of farmers and ranchers to ensure that family farms and rural America continue to prosper. He has testified before Congress on matters involving agriculture and arbitration and served on a mandatory price reporting task force that led to the passage of a Mandatory Price Reporting law by Congress.



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Butler started his career serving as a legislative assistant for Mississippi Governor Cliff Finch. He was subsequently named Attorney and Special Assistant to the Commissioner of the Mississippi Department of Corrections where he was responsible for legal work involving the Department including proposed legislation. He also served as a liaison to the Legislature and was responsible for various executive management duties assigned by the Commissioner including the reorganization of the Department's management structure and the revamping of its agricultural division.

Butler is a member of the Mississippi Bar Association and has served as a Bar Commissioner for the Mississippi Bar, co-chairman of the Arbitration Committee of the Mississippi Bar, and as a member of the Bench/Bar Liaison Committee.

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Office of Communications 202-720-4623



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News Release

Release No.: 0033-09

Contact:
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Livestock Sellers to Receive \$2 Million in Agriprocessors Trust Payout

WASHINGTON, Jan. 30, 2009 - Agriculture Secretary Tom Vilsack today announced that previously unpaid livestock sellers are receiving full payment this week for animals sold to Agriprocessors, Inc., of Postville, Iowa, in the months before it filed for Chapter 11 Bankruptcy Protection. The payouts, totaling over \$2 million, result from the trust protection provisions of the Packers and Stockyards Act (P&S Act).

“USDA is committed to supporting the financial viability of America’s farmers and ranchers,” said Agriculture Secretary Tom Vilsack. “Protecting independent producers through vigorous oversight and enforcement of the Packers and Stockyards Act is essential in these tough economic times, and it is a priority of the Obama Administration.”

Under the P&S Act, packers are required to hold, in trust, all livestock inventories and receivables or proceeds from the sale of meat for the benefit of unpaid cash sellers. The “packer trust” provisions were added to the P&S Act by amendments in 1976 following packer failures that left producers unpaid for over \$43 million in livestock sales.

The United States Bankruptcy Court for the Northern District of Iowa cleared the way for payment when it granted a motion to pay Packers and Stockyards Act Trust claims on January 16. The motion, filed by the Chapter 11 Trustee, requested approval of the Bankruptcy Court to pay the trust claims, which totaled \$2,058,946.78, after review of the claims by USDA to determine that the claims met the requirements of the P&S Act.

Twenty-four sellers filed valid claims with the packer and with USDA’s Grain Inspection, Packers and Stockyards Administration (GIPSA) for sales of livestock to Agriprocessors that occurred between Sept. 14 and Oct. 24, 2008. Sellers began receiving payments from the Trustee on claims ranging from under \$1,000 to over \$500,000 on Wednesday, January 28.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.

Dana Stewart 202-720-5091



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News Release

Release No.: 01-09

Contact:
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USDA Schedules Public Meeting on Trust Provisions of the Packers and Stockyards Act

WASHINGTON, Feb. 5, 2009 - USDA's Grain, Inspection, Packers and Stockyards Administration (GIPSA) will hold a public meeting on Monday, February 9, in East Peoria, Ill., to inform hog producers who have done business with Meadowbrook Farms Cooperative of their rights under the trust and bond provisions of the Packers and Stockyards (P&S) Act.

Meadowbrook temporarily ceased slaughtering operations effective Friday, January 30, 2009.

At the public meeting, GIPSA will provide information and the forms necessary for filing a claim under the trust provisions of the P&S Act and for filing a bond claim on payments due from Meadowbrook. GIPSA also will accept claims submitted at the meeting. Trust claims generally must be filed within 30 days from the date payment was due in a cash sale. Bond claims must be filed within 60 days from the date of the transaction on which the claim is based.

February 9, 2009
7 p.m. - 9 p.m.
Embassy Suites and Conference Center
100 Conference Center Drive
East Peoria, Illinois

If you are hearing or visually impaired, or have a condition that requires special assistance, please notify Jay Johnson, Midwestern Regional Office, GIPSA Packers and Stockyards Program, United States Department of Agriculture, 210 Walnut Street, Des Moines, Iowa 50309- 2110; e-mail Jay.A.Johnson@usda.gov; phone (515) 323-2579; or fax (515) 323-2590.

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News Release

Release No.: 04-09

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GIPSA Available to Assist Pilgrim's Pride Growers

WASHINGTON, March 12, 2009 - The USDA Grain Inspection, Packers and Stockyards Administration stands ready to ensure that poultry growers affected by the scheduled closure of three Pilgrim's Pride Corporation chicken processing plants receive the full protections afforded them by the Packers and Stockyards (P&S) Act.

The plants, located in El Dorado, Ark.; Farmerville, La.; and Douglas, Ga., are scheduled to discontinue operations in mid-May 2009. The three plants support the operations of over 420 contract poultry growers, and each plant is part of a complex that operates hatcheries and feed mills.

Pilgrim's Pride is a live poultry dealer subject to the Packers & Stockyards Act, a federal law that ensures fair trade and financial protection for producers and growers in the livestock, meat, and poultry industries.

As the plants shutter operations, GIPSA will conduct payment reviews at each plant to verify payment in the proper amount is issued timely to each grower and ensure that Pilgrim's procedures do not result in unjust discrimination or undue preference to growers.

GIPSA also will be available to answer growers' questions related to payment. If payment problems arise, GIPSA will notify growers of their rights and the procedures to file claims against the statutory trust established under section 207 of the P&S Act. Under the statutory trust, inventories, receivables, and proceeds from poultry obtained by Pilgrim's Pride under a poultry growing arrangement or in cash sales will be held in trust for the benefit of unpaid poultry growers. Valid grower claims on these assets would have priority over other financial claims.

For more information, call GIPSA's Eastern Regional Office at 404-562-5840.

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News Release

Release No.: 01-09

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Nine Thousand Dollar Civil Penalty Assessed Against Tom Johnson, aka Thomas L. Johnson, dba Tom Johnson Livestock Co.

WASHINGTON, March 19, 2009 - On February 25, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a consent decision with Tom Johnson (Johnson), also known as Thomas L. Johnson, doing business as Tom Johnson Livestock, Ordway, Colorado.

Johnson has been ordered to cease and desist from engaging in business in any capacity for which bonding is required under the Packers and Stockyards (P&S) Act without filing or maintaining an adequate bond.

Johnson has been assessed a civil penalty in the amount of \$9,000.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 05-09

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USDA Issues Annual Report on Livestock and Poultry Industries

WASHINGTON, March 20, 2009 - The U.S. Department of Agriculture today issued the 2008 Annual Report of the Packers and Stockyards Program. The report assesses the general economic state of the livestock and poultry industries; describes changing business practices in those industries; and identifies market operations or activities that appear to raise concerns under the Packers and Stockyards Act.

Key highlights of the report, prepared by USDA's Grain Inspection, Packers and Stockyards Administration (GIPSA), include:

- In 2008, USDA regulated 1,326 livestock markets, 4,685 dealers, 126 live poultry dealers, and 339 bonded and slaughtering packers under the Act.
- USDA increased industry compliance with the Act from 73 percent in 2007 to 80 percent in 2008.
- USDA decreased the average number of days comprising an investigation to 77 days in 2008 from an average of 165 days in 2006. GIPSA closed 1,267 investigations in 2008.
- USDA achieved a record \$1.6 million in restitution to livestock sellers who were unpaid from financial failures at livestock markets and by dealers.
- USDA levied \$750,000 in penalties in fiscal year 2008, compared to \$100,000 in FY 2005.
- The four largest packers' share of business volume has remained relatively constant over the last 5 years. In 2008, concentration levels in the slaughter industry were 80 percent for fed cattle; 65 percent for hogs; and 70 percent for sheep and lamb slaughterers.
- To continue to increase industry compliance with the Act by implementing standardized business processes for key activities; modernizing its management information systems; and centralizing processing of industry annual reports.

To enhance the enforcement of the P&S Act, USDA is preparing new regulations of production and poultry contracts, swine contractors, feed weighing standards for swine contractors, and financial protection for livestock sellers. USDA also plans to provide to Congress legislative proposals to amend the Packers and Stockyards Act to increase



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administrative authority for the Department under the Act, and to increase protections for livestock sellers.

The report is available on GIPSA's web site at www.gipsa.usda.gov.
For more information, contact Gary McBryde, GIPSA, 202-720-7455.

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News Release

Release No.: 07-09

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USDA Suspends Steve M. Hand, dba Steve Hand Cattle Company as a Registrant

WASHINGTON, March 27, 2009 - On February 24, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a consent decision with Steve M. Hand (Hand), dba Steve Hand Cattle Company, Ocilla, Georgia.

Hand has been ordered to cease and desist from:

- failing to pay the full purchase price for livestock purchased within the time period required by the Packers and Stockyards (P&S) Act; and
- issuing checks for livestock purchases without having sufficient funds to cover checks when presented.

Hand is suspended as a registrant under the P&S Act for a period of 5 years and thereafter until he is properly bonded.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 08-09

Contact:
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GIPSA Settles Six Cases Resulting in \$18,875 in Civil Penalties

WASHINGTON, March 27, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration's (GIPSA) enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer an alleged violator the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

GIPSA recently settled six cases resulting in \$18,875 in civil penalties.

- Dan Selle, dba Selle Livestock, Billings, Montana, waived his right to a hearing, entered into a stipulation agreement, and paid a penalty of \$1,625 after GIPSA found that he failed to pay for livestock purchases in a timely manner.
- Randolph Packing Company, Inc., Asheboro, North Carolina, waived its right to a hearing, entered into a stipulation agreement, and paid a penalty of \$10,000 after GIPSA found that it failed to equip a scale with a printing device and deducted tare in excess of average trolley weight.
- John J. Cranston, dba Cranston Cattle Company, Colby, Kansas, waived his right to a hearing, entered into a stipulation agreement, and paid a penalty of \$1,500 after GIPSA found that he failed to pay for livestock purchases, failed to pay for livestock purchases in a timely manner, and issued checks for livestock purchases without having sufficient funds to cover checks when presented.
- David C. Emmons, Ripley, Ohio, waived his right to a hearing, entered into a stipulation agreement, and paid a penalty of \$2,250 after GIPSA found that he failed to pay for livestock purchases in a timely manner.



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- Clay Bickford and Tony Seubert, dba Lewiston Livestock Market, Inc., Lewiston, Idaho, waived their right to a hearing, entered into a stipulation agreement, and paid a penalty of \$750 after GIPSA found that they overcharged on brand commission, gave discounts to one consignor on the cattle commission, and increased horse commission without changing posted tariff.
- Thomas Cattle Buying Services, Inc., Williston, Florida, waived its right to a hearing, entered into a stipulation agreement, and paid a penalty of \$2,750 after GIPSA found that it failed to pay for livestock purchases in a timely manner.

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News Release

Release No.: 10-09

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Pasqual A. Leone, dba P.A. Leone Livestock is Assessed a Civil Penalty in the Amount of \$5,500

WASHINGTON, March 31, 2009- On September 11, 2008, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration entered into a decision without hearing by reason of consent with Pasqual A. Leone (Leone), doing business as P.A. Leone Livestock, Rome, New York.

Leone has been ordered to cease and desist from failing to pay the full purchase price for livestock purchased within the time period required by the Packers and Stockyards (P&S) Act.

Leone has also been assessed a civil penalty in the amount of \$5,500.

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News Release

Release No.: 09-09

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Agriprocessors Paying \$3.3 Million in Poultry Trust Claims

Washington, March 31- The USDA Grain Inspection, Packers and Stockyards Administration today announced that Agriprocessors, Inc., Postville, Iowa, has been authorized by a bankruptcy judge to pay over \$3.3 million in poultry trust claims. The payments result from the poultry trust provisions of the Packers and Stockyards Act.

Thirteen poultry growers filed valid claims with GIPSA for sales of poultry to Agriprocessors that occurred between May and December 2008. The poultry growers began receiving payments from the poultry trust claims on March 20, 2009. Under the P&S Act, Agriprocessors was required to hold assets - inventories, proceeds, and proceeds receivable - in trust for the benefit of cash sellers and poultry growers.

In January 2009, GIPSA secured \$2 million in trust payouts for previously unpaid livestock sellers who sold animals to Agriprocessors under the livestock trust provisions of the Packers and Stockyards Act.

“USDA remains committed to protecting the financial interests of America’s farmers and ranchers,” said GIPSA acting administrator Alan Christian. “We will continue to provide such protections through the vigorous enforcement of the Packers and Stockyards Act.”

GIPSA is the USDA agency delegated responsibility for administering and enforcing the P&S Act, which is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, met, and poultry industries.

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News Release

Release No.: 11-09

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Portales and Hereford Livestock Auctions Stop Operating Until In Compliance with Packers and Stockyards Act

Washington, DC, April 15 - The USDA Grain Inspection, Packers and Stockyards Administration today announced that Portales Livestock Auction, Inc., Portales, New Mexico, and Hereford Livestock Auction, Inc., Hereford, Texas, have consented to a preliminary injunction under which the auctions must cease operation due to serious violations of the Packers and Stockyards Act. The auctions cannot resume operations until specific conditions are met.

A GIPSA investigation found that Portales Livestock Auction, Inc., Hereford Livestock Auction, Inc., doing business as Livestock Exchange, Ltd., and Randy Bouldin failed to maintain required bonds and livestock trust and custodial accounts, and did not pay a livestock consignor.

“Failing to properly maintain livestock trust accounts poses a serious and immediate risk of nonpayment to livestock sellers and consignors,” the consent order reads. Without adequate bonds, it adds, “there is an additional threat that livestock sellers and consignors supplying livestock to the auctions will go unpaid.”

Attorneys from the United States Attorney’s Office, District of New Mexico, working in conjunction with counsel from the Department of Agriculture, sought injunctive relief in Federal Court to stop the respondents from failing to meet their fiduciary responsibility to manage custodial accounts as required by the Act and failure to remit net proceeds to a livestock consignor. In negotiations with counsel for Mr. Bouldin, an agreement was reached in the form of a consent order submitted for approval to a Federal Judge in New Mexico.



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Under the consent order issued by the United States District Court for the District of New Mexico, Portales and Hereford can only resume operations when the auction markets pay all unpaid sellers and consignors, acquire livestock bonds or bond equivalents, and correct the shortages in their custodial accounts. Fulfillment of these conditions will be determined by GIPSA.

Further, Portales and Hereford livestock auctions may resume operations only when the above conditions are met, if they remain in compliance with the Act, and if they provide weekly analyses of their custodial accounts to GIPSA until the Agency's two outstanding administrative complaints filed against the markets are resolved.

GIPSA protects the financial interests of producers through the vigorous enforcement of the Packers and Stockyards Act. The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.

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News Release

Release No.: 12-09

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Muenster Livestock Auction Commission, Inc. Suspended for 120 Days; Muenster Livestock Auction Commission, Inc. and Ronnie Austin Ordered to Cease and Desist Violating the Packers and Stockyards Act

WASHINGTON, April 15, 2009 - On March 25, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration entered into a consent decision with Muenster Livestock Auction Commission, Inc. (Muenster), Muenster, Texas and Ronnie Austin (Austin), Ringling, Oklahoma.

Muenster and Austin have been ordered to cease and desist from:

- failing to deposit in Muenster's custodial account, in a timely fashion, amounts equal to the proceeds receivable from the sale of consigned livestock;
- failing to maintain the Custodial Account for Shippers' Proceeds in conformity with Packers and Stockyards regulations;
- using funds received from the sale of consigned livestock for any purpose other than payment to consignors and payment of lawful marketing charges;
- issuing custodial account checks in payment for livestock purchases made at other markets;
- issuing checks without having sufficient funds to cover checks;
- financing Muenster's market agency operations through the use of custodial account overdrafts;
- permitting any manager or employee to issue custodial account checks to replace their own dishonored checks, or for any other purposes of their own; and



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- keeping custodial funds in certificates of deposit while maintaining a substantial negative balance in custodial account funds available to pay checks upon presentation.

Muenster and Austin are ordered to keep and maintain such accounts, records, and memoranda as fully and correctly disclose their transactions subject to the Packers and Stockyards (P&S) Act and regulations.

Muenster is suspended from operating under the P&S Act for a period of 120 days beginning May 1, 2009. The suspension will be lifted on August 29, 2009.

Austin is prohibited from operating as a market agency selling on commission during Muenster's suspension. The suspension does not apply to the Austin Cattle Company.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 25-09

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GIPSA Alleges Meadowbrook Farms Cooperative Failed to Pay the Full Amount for Livestock Purchases

Washington, April 17, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Meadowbrook Farms Cooperative (Meadowbrook), Belleville, Illinois:

- purchased livestock in cash sales and failed to pay sellers for those purchases within the time period required by the Packers and Stockyards (P&S) Act;
- entered into credit agreements with livestock sellers allowing Meadowbrook to pay for livestock purchases within 10 days, unless additional monetary protection of between \$500,000 and \$1 million was posted with an independent trustee which would allow the time for payment to be extended from 14 to 28 days, and failed to pay livestock sellers the full purchase price according to the terms of those credit agreements, which required payment in some cases within 10, 14, 21, or 28 days;
- failed to pay 26 livestock sellers, as of the date the complaint was filed, for \$839,674.71 in livestock purchases;
- entered into credit agreements with four sellers without obtaining acknowledgments from sellers that they were waiving their rights under the provisions of the P&S Act; entered into credit agreements with 33 additional sellers who acknowledged waiver of their rights to a 'constructive trust' but not to the statutory trust provisions of the P&S Act; and
- failed to accurately maintain the identity of each seller's livestock and the carcasses derived from those livestock, failed to keep an accurate account of the number of animals in each lot as they were weighed and graded, and failed to deliver a true written account of the grade and weight of the animals in each lot when Meadowbrook shifted animals between lots.



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On April 16, 2009, GIPSA filed a complaint and notice of hearing against Meadowbrook. If the allegations are admitted, or proven in an oral hearing, Meadowbrook may be ordered to cease and desist from violating the P&S Act and assessed a civil penalty.

At the time the alleged violation occurred, Meadowbrook was engaged in the business of buying livestock in commerce for slaughter and was a packer.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 14-09

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GIPSA Alleges Tracy Carter Violated the Packers and Stockyards Act

WASHINGTON, April 20, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Tracy Carter (Carter), Bowling Green, Kentucky, engaged in the business of buying livestock in commerce, on a commission basis, without maintaining an adequate bond.

On April 3, 2009, GIPSA filed a complaint against Carter. If the allegations are admitted, or proven in an oral hearing, Carter may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and assessed a civil penalty.

Carter is engaged in the business of buying livestock in commerce on a commission basis and is registered with the Secretary of Agriculture as a dealer.

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News Release

Release No.: 21-09

Contact:
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Premium Gold Foods, LLC is Assessed a Civil Penalty in the Amount of \$90,500

WASHINGTON, April 21, 2009 - On April 9, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration entered into a decision without hearing by reason of consent with Premium Gold Foods, LLC (Premium Gold), Austin, Texas. Premium Gold has been ordered to cease and desist from failing to pay sellers for the sale of their livestock within the time period required by the Packers and Stockyards (P&S) Act.

Premium Gold is assessed a civil penalty in the amount of \$90,500.

Premium Gold markets meats, meat food products, livestock products, or livestock products in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce and is a packer subject to the provisions of the P&S Act.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 15-09

Contact:
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GIPSA Alleges Vander Boon Livestock, Inc. Violated the Packers and Stockyards Act

WASHINGTON, April 21, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Vander Boon Livestock, Inc. (Vander Boon), Clarksville, Mississippi, engaged in business as a market agency and dealer without maintaining an adequate bond.

On April 3, 2009, GIPSA filed a complaint against Vander Boon. If the allegations are admitted, or proven in an oral hearing, Vander Boon may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and assessed a civil penalty.

Vander Boon is engaged in the business of buying livestock in commerce on a commission basis and buying and selling livestock in commerce for its own account or the account of others; operating as a market agency and dealer within the jurisdiction of the Secretary of Agriculture; and is registered with the Secretary of Agriculture as a market agency and dealer buying and selling livestock in commerce on a commission basis.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 16-09

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GIPSA Alleges Otis Lewis Fortner II, dba Lewie Fortner Livestock Failed to Pay the Full Amount for Livestock Purchases

WASHINGTON, April 21, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Otis Lewis Fortner II (Fortner), doing business as Lewie Fortner Livestock, Kite, Georgia, failed to pay the full amount for livestock purchases.

On April 3, 2009, GIPSA filed a complaint against Fortner. If the allegations are admitted, or proven in an oral hearing, Fortner may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and assessed a civil penalty. Fortner is engaged in the business of buying and selling livestock in commerce as a dealer for his own account and is registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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GIPSA Alleges James Masters Violated the Packers and Stockyards Act

WASHINGTON, April 21, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that James Masters (Masters), Wheeler, Texas, engaged in the business of buying and selling livestock in commerce without maintaining an adequate bond. Masters did not keep accounts, records, and memoranda that fully and correctly disclosed all transactions involved in his business.

On April 3, 2009, GIPSA filed a complaint against Masters. If the allegations are admitted, or proven in an oral hearing, Masters may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and assessed a civil penalty.

Masters buys and sells livestock in commerce on a commission basis and for the account of others; is not registered as a dealer or market agency with the Secretary of Agriculture; and at all times relative to this complaint, operated as a dealer or market agency within the jurisdiction of the Secretary of Agriculture.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 20-09

Contact:
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GIPSA Alleges James Emanuel Mowery Violated the Packers and Stockyards Act

WASHINGTON, April 21, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that James Emanuel Mowery (Mowery), Tennessee, engaged in the business of a market agency buying livestock in commerce on a commission basis without maintaining an adequate bond.

On April 8, 2009, GIPSA filed a complaint against Mowery. If the allegations are admitted, or proven in an oral hearing, Mowery may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and assessed a civil penalty.

Mowery buys livestock in commerce on a commission basis; is 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 to buy and sell livestock in commerce on a commission basis.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 13-09

Contact:
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GIPSA Alleges Fergus Falls Livestock Auction Market, Inc. and Joe Varner Failed to Properly Maintain and Make Timely Deposits of Proceeds into Their Custodial Account for Shippers' Proceeds Resulting in a Shortage

WASHINGTON, April 21, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Fergus Falls Livestock Auction Market, Inc. (Fergus) under its manager, Joe Varner (Varner), Fergus Falls, Minnesota:

- failed to properly maintain its Custodial Account for Shippers' Proceeds endangering payment to livestock sellers; and
- failed to deposit in its custodial account, in a timely fashion, an amount equal to the proceeds receivable from the sale of consigned livestock resulting in a shortage of funds available to pay shippers their net proceeds.

On March 6, 2009, GIPSA filed a complaint against Fergus and Varner. If the allegations are admitted, or proven in an oral hearing, Fergus and Varner may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and assessed a civil penalty.

Fergus is engaged in the business of a market agency selling livestock in commerce on a commission basis, operates as a posted stockyard, and is registered with the Secretary of Agriculture as a market agency to sell livestock in commerce on a commission basis.

Varner is president, 100% shareholder, and the manager of Fergus. Varner is also the 100% owner of nine other auction markets and 50% owner of an additional six auction markets. The other markets are not a part of this action.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 19-09

Contact:
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GIPSA Alleges David Nolan, dba Northern Livestock Violated the Packers and Stockyards Act

WASHINGTON, April 21, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that David Nolan (Nolan), doing business as Northern Livestock, Marion, Wisconsin:

- issued checks for livestock purchases without having sufficient funds to cover checks;
- failed to pay sellers for the sale of their livestock within the time period required by the Packers and Stockyards (P&S) Act;
- failed to pay, as of the date of this complaint, \$634,125.49 for livestock purchases; and
- failed to keep accounts, records, and memoranda that fully and correctly disclosed all transactions involved in his business.

On April 3, 2009, GIPSA filed a complaint against Nolan. If the allegations are admitted, or proven in an oral hearing, Nolan may be ordered to cease and desist from violating the P&S Act, suspended and assessed a civil penalty.

Nolan buys and sells livestock in commerce as a dealer for his own account; is registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce, and as a market agency buying on commission.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 18-09

Contact:
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GIPSA Alleges Clarence Ricky Fisher, aka Ricky Fisher Violated the Packers and Stockyards Act

WASHINGTON, April 21, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Clarence Ricky Fisher also known as Ricky Fisher (Fisher), Loretto, Tennessee, engaged in the business of buying and selling livestock in commerce without being registered with the Secretary of Agriculture and without maintaining an adequate bond.

On April 3, 2009, GIPSA filed a complaint against Fisher. If the allegations are admitted, or proven in an oral hearing, Fisher may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and assessed a civil penalty. Fisher buys livestock in commerce on a commission basis; is not registered as a dealer or market agency with the Secretary of Agriculture; and operates as a dealer or market agency within the jurisdiction of the Secretary of Agriculture.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 01-09

Contact:
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Mike and Lisa Robertson to Pay Fine For Not Filing Report with USDA

WASHINGTON, April 30, 2009 - Mike and Lisa Robertson (Robertson's), doing business as Robertson Horse Sales, Inc., Benson, Arizona, have been ordered to pay a \$1,000 civil penalty for not filing, on time, a required annual report with the Packers and Stockyards Program (P&SP) of USDA. The United States Attorney's Office for the District of Arizona handled this case on behalf of USDA and negotiated a Settlement Agreement with the Robertson's.

All meat packers, live poultry dealers, market agencies and livestock dealers operating under the jurisdiction of the Packers and Stockyards Act of 1921 are required by federal regulation to file reports annually. These reports provide critical information that Grain Inspection, Packers and Stockyards Administration (GIPSA) uses to ensure farmers and ranchers are financially protected when they sell their livestock. The Robertson's are registered with the Secretary of Agriculture to operate as a market agency selling on commission.

Their 2007 annual report, which was due on April 15, 2008, was not filed until August 14, 2008. Penalties for not filing the GIPSA annual report are set by law at \$110 per day for every day the report is late. The Robertson's face a full penalty of \$7,700 for filing their report 70 days late. Under the terms of the Settlement Agreement, however the Robertson's will pay \$1,000 in installments of \$84.00 per month beginning April 30, 2009, until paid in full.

If the Robertson's fail to timely file the required Annual Report of Market Agency for 2008, 2009, 2010 or become more than 2 months in arrears in payment, they will have defaulted on the settlement and the entire civil penalty of \$7,700 will be reinstated and become due as if no settlement had occurred.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 27-09

Contact:
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Lee Johnson Suspended as a Registrant for Six Years

WASHINGTON, April 30, 2009 - On April 15, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration entered into a decision without hearing by reason of default with Lee Johnson (Johnson), Montalba, Texas. Johnson has been ordered to cease and desist from failing to pay the full amount for livestock purchases.

Johnson is suspended from operating under the Packers and Stockyards (P&S) Act for a period of six years.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 26-09

Contact:
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Joseph Frank Haun Suspended as a Registrant for Five Years

WASHINGTON, April 30, 2009 - On April 15, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration entered into a decision without hearing by reason of default with Joseph Frank Haun (Haun), Tennessee.

Haun has been ordered to cease and desist from:

- issuing checks without having sufficient funds to cover checks;
- failing to pay the full amount for livestock purchases; and
- failing to pay sellers for the sale of their livestock within the time period required by the Packers and Stockyards (P&S) Act.

Haun was ordered to keep and maintain such accounts, records and memoranda as fully and correctly disclose his transactions subject to the P&S Act and regulations.

Haun is suspended from operating under the P&S Act for a period of five years.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 28-09

Contact:
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Central Beef Ind., LLC is Assessed a Civil Penalty In the Amount of \$14,000

WASHINGTON, May 14, 2009 - On May 4, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a decision without hearing by reason of consent with Central Beef, Ind., LLC (Central Beef), Center Hill, Florida.

Central Beef has been ordered to cease and desist from purchasing livestock and failing to pay sellers, in a timely manner, for livestock purchases. They have also been assessed a civil penalty in the amount of \$14,000.

The decision resolves charges that were filed on April 1, 2009, in which GIPSA alleged that Central Beef purchased livestock and failed to pay sellers, in a timely manner, for livestock purchases.

Central Beef buys livestock in commerce for purposes of slaughter; is in the business of slaughtering cattle and manufacturing or preparing meat or meat products for sale or shipment in commerce; and is a packer subject to the Packers and Stockyards (P&S) Act.

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News Release

Release No.: 31-09

Contact:
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GIPSA Alleges Warren Hudspeth Violated the Packers and Stockyards Act

WASHINGTON, May 21, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Warren Hudspeth (Hudspeth), Pilot Point, Texas:

- issued checks without having sufficient funds available; and
- failed to pay the full amount of the purchase price for livestock within the time period required by the Packers and Stockyards (P&S) Act.

On May 8, 2009, GIPSA filed a complaint against Hudspeth. If the allegations are admitted, or proven in an oral hearing, Hudspeth may be ordered to cease and desist from violating the P&S Act, suspended and assessed a civil penalty.

Hudspeth is engaged in the business of buying and selling livestock in commerce as a dealer for his own account and for the account of others and is registered with the Secretary of Agriculture as a dealer.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 30-09

Contact:
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Donald D. Baker Cattle Company, LLC And Donald D. Baker Are Assessed a Civil Penalty in the Amount of \$17,500

WASHINGTON, May 21, 2009 - On May 7, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a decision without hearing by reason of consent with Donald D. Baker Cattle Company, LLC (Baker Cattle Company) and Donald D. Baker (Baker), Galax, Virginia.

Baker Cattle Company and Baker have been ordered to cease and desist from failing to pay sellers the full purchase price for the sale of their livestock within the time period required by the Packers and Stockyards (P&S) Act. Baker Cattle Company and Baker have also been assessed a civil penalty in the amount of \$17,500.

The decision resolves charges that were filed on June 4, 2008, in which GIPSA alleged that Baker Cattle Company and Baker failed to pay sellers for the sale of their livestock within the time period required by the P&S Act.

Baker Cattle Company is registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for its own account and as a market agency to buy and sell livestock on a commission basis.

Baker is the sole member of Baker Cattle Company, holds 100% of membership interest, and is responsible for the day to day direction, management and control of Baker Cattle Company.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 32-09

Contact:
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USDA Proposes to Incorporate by Reference the 2009 Edition of the National Institute of Standards and Technology Handbook 44

WASHINGTON, June 1, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) proposes to incorporate by reference the 2009 edition of the National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," and to require that scales used by stockyard owners, market agencies, dealers, packers, and live poultry dealers to weigh livestock, livestock carcasses, live poultry, or feed for the purposes of purchase, sale, acquisition, payment or settlement meet applicable requirements of the 2009 NIST Handbook 44. Additionally, we are proposing to amend that section of the regulations to add "swine contractors" to the list of regulated entities to which the section applies.

The regulations under the Packers and Stockyards (P&S) Act have specific requirements for scales that regulated entities used for weighing livestock, poultry or feed and packers purchasing livestock on a carcass grade, weight, or grade and weight basis.

The proposed amendment to Section 201.71 of the regulations under the P&S Act will incorporate by reference the 2009 edition of NIST Handbook 44. We would also provide instruction on how to obtain copies of the handbook, which includes updated standards for operating, maintaining, and testing scales and standards for electronic devices.

The proposed changes to add swine contractor as a regulated entity would make section 201.71 (a), (b), (c), and (d) consistent with other regulations under the P&S Act regarding regulated entities that have been amended to include swine contractors.

The proposed rule was published in the May 15, 2009, Federal Register. GIPSA is accepting public comments received by July 14, 2009. Additional information is available in GIPSA's Federal Register notice at www.gipsa.usda.gov.

The Packers and Stockyards Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 33-09

Contact:
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Miller Cattle Company of Dodge City to Pay United States \$20,000 to Settle Dispute over Annual Reports, Bond

WASHINGTON, June 1, 2009- Miller Cattle Company of Dodge City, Kansas, has agreed to pay the United States \$20,000 to settle allegations that it operated without an adequate bond and failed to file annual reports that federal law requires of livestock dealers, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration announced today.

All meat packers, live poultry dealers, market agencies and livestock dealers operating under the jurisdiction of the Packers and Stockyards Act of 1921 are required by federal regulations to file reports annually. Regulators use the information to ensure farmers and ranchers are financially protected when they sell their livestock.

In a civil complaint filed November 2008 in U.S. District Court in Wichita, Kansas, the government alleged that Miller Cattle Company failed to file annual reports for calendar years 2004, 2006 and 2007, and operated at various times without an adequate bond. The complaint sought an injunction and recovery of penalties under the Packers and Stockyards (P&S) Act.

In a consent judgment approved by U.S. District Judge J. Thomas Marten, Miller Cattle Company agrees to pay \$20,000 in four installments, to file timely annual reports and to maintain an adequate bond at all times. The case was handled by Assistant U.S. Attorney Brian Sheern.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 37-09

Contact:
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South Shore Meats Corporation is Assessed a Civil Penalty in the Amount of \$43,000

WASHINGTON, June 17, 2009 - On May 4, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a default decision with South Shore Meats Corporation (South Shore), Bradenton, Florida.

South Shore has been ordered to cease and desist from:

- failing to pay sellers the full purchase price for the sale of their livestock within the time period required by the Packers and Stockyards (P&S) Act;
- issuing checks without having sufficient funds to cover checks; and
- purchasing livestock for slaughter without maintaining an adequate bond.

South Shore has also been assessed a civil penalty in the amount of \$43,000.

South Shore is ordered to keep and maintain such accounts, records and memoranda that fully and correctly disclose all transactions conducted subject to the P&S Act. This include invoices, written credit agreements, copies of all third party checks that were given to livestock sellers in payment for South Shore's livestock purchases, and a complete record showing the dates and amounts of all payments made for livestock purchases, including payment made using third party checks.

The Packers and Stockyards Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 40-09

Contact:
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GIPSA Alleges Chuck L. Matteson and Justin L. Matteson, doing business as Matteson Livestock Violated the Packers and Stockyards Act

WASHINGTON, June 23, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Chuck L. Matteson (C. Matteson) and Justin L. Matteson (J. Matteson) doing business as Matteson Livestock, Heppner, Oregon:

- failed to pay for livestock purchases;
- failed to pay, when due, for livestock purchases; and
- failed to keep adequate books and records.

As of June 3, 2009, a total of \$162,642.99 is owed to livestock sellers.

GIPSA filed a complaint against C. and J. Matteson on June 3, 2009. If the allegations are admitted, or proven in an oral hearing, they may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and assessed a civil penalty. C. and J. Matteson are registered with the Secretary of Agriculture as dealers buying and selling livestock in commerce for their own account and as a market agency buying livestock in commerce on a commission basis.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 41-09

Contact:
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GIPSA Alleges Townsend Farms of Arkansas, Inc. Failed to Pay Poultry Growers on Time

WASHINGTON, June 30, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Townsend Farms (Townsend Farms) of Arkansas, Inc., Batesville, Arkansas:

- Initiated a density trial test among 33 poultry growers with an oral guarantee to the poultry growers that for the purpose of the density trial, the rate of compensation under these special poultry growing arrangements would be equal to the average payment for their last three flock prior to the density trial test if their payment for the test flock was less than the three flock average. Of the 33 growers, the test flock pay of 32 growers was less than the grower's three flock average;
- obtained live chickens under a special growing arrangement and failed to pay, in a timely fashion, for the live poultry;
- informed the 32 growers that instead of paying them the orally guaranteed three flock average payment, they would place extra birds with the poultry growers at a future date; and
- eventually paid the growers after approximately eight months.

GIPSA filed a complaint against Townsend Farms on June 10, 2009. If the allegations are admitted, or proven in an oral hearing, they may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act and assessed a civil penalty.

Townsend Farms is a live poultry dealer and is engaged in the business of obtaining live poultry under a poultry growing arrangement for the purpose of slaughter.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 43-09

Contact:
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GIPSA Alleges Tim Reece, doing business as Tim Reece Cattle Company Violated the Packers and Stockyards Act

WASHINGTON, June 30, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Tim Reece (Reece), doing business as Reece Cattle Company, Overbrook, Kansas, purchased livestock without maintaining an adequate bond as required under the Packers and Stockyards (P&S) Act.

GIPSA filed a complaint against Reece on June 16, 2009. If the allegations are admitted, or proven in an oral hearing, Reece may be ordered to cease and desist from violating the P&S Act, suspended and assessed a civil penalty.

Reece is engaged in the business of a dealer purchasing livestock in commerce for the account of others. He was registered with the Secretary of Agriculture as a dealer but stated that he had discontinued livestock operations and his registration was made inactive.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 44-09

Contact:
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GIPSA Alleges Sioux-Preme Packing Co., Inc., dba Sioux-Preme Pork Products, Ltd. Failed to Maintain and Operate a Livestock Scale Which Conformed to the Requirements of Handbook 44

WASHINGTON, June 30, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Sioux-Preme Packing Co., Inc. (Sioux-Preme), doing business as Sioux-Preme Pork Products, Ltd., Sioux Center, Iowa purchased livestock, and in connection with those purchases, failed to maintain and operate its livestock scale to ensure accurate weights.

GIPSA filed a complaint against Sioux-Preme on June 16, 2009. If the allegations are admitted, or proven in an oral hearing, Sioux-Preme may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act and assessed a civil penalty.

Sioux-Preme is a packer subject to the P&S Act and is engaged in the business of buying livestock in commerce for purposes of slaughter and manufacturing or preparing meat or meat products for sale or shipment in commerce.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 45-09

Contact:
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Donald W. Hallmark and Donald R. Hallmark, dba Hallmark Meat Packing Company are Assessed a Civil Penalty In the Amount of \$20,000

WASHINGTON, July 7, 2009 - On June 23, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a decision without hearing by reason of consent with Donald W. Hallmark and Donald R. Hallmark, doing business as Hallmark Meat Packing Company, Chino, California.

Donald W. and Donald R. Hallmark have been ordered to cease and desist from:

- failing to pay sellers for the sale of their livestock within the time period required by the Packers and Stockyards (P&S) Act;
- improperly reporting hot carcass weights to livestock sellers;
- failing to maintain a printed record of accurate hot carcass weights; and
- paying livestock sellers on the basis of improperly recorded and reported hot carcass weights.

They have also been assessed a civil penalty in the amount of \$20,000 and ordered to keep accounts, records and memoranda that fully and correctly disclose all transactions involved in their business.

The decision resolves charges that were filed on April 15, 2008, in which GIPSA alleged that Donald W. and Donald R. Hallmark:

- failed to pay sellers for the sale of their livestock within the time period required by the P&S Act;
- reported inaccurate hot carcass weights to livestock sellers and paid livestock sellers on those inaccurate hot carcass weights;



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- failed to properly issue scale tickets to livestock sellers;
- failed to maintain a printed record of accurate hot carcass weights; and
- failed to pay the full purchase price to livestock sellers for properly weighed, recorded, and reported hot carcasses.

P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 47-09

Contact:
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Clifford F. Dance, Jr. and Mike Whitfield, doing business as Gowan Stockyards are Assessed a Civil Penalty In the Amount of \$14,000

WASHINGTON, July 7, 2009 - On June 25, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a decision by reason of consent with Clifford F. Dance, Jr. (Dance) and Mike Whitfield (Whitfield), doing business as Gowan Stockyards, Kosciusko, Mississippi. Dance and Whitfield have been ordered to cease and desist from:

- failing to reimburse their custodial account in a timely fashion;
- failing to maintain their custodial account in strict conformity with the regulations; and
- using funds received from the sale of consigned livestock for any purpose other than payment to consignors and payment of lawful marketing charges.

They have also been assessed a civil penalty in the amount of \$14,000.

Dance and Whitfield are registered with the Secretary of Agriculture as a market agency to buy and sell livestock in commerce on a commission basis and as dealers to buy and sell livestock in commerce for their own account. Gowan Stockyards is a posted stockyard subject to the provisions of the Packers and Stockyards (P&S) Act, located in Kosciusko, Mississippi.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 46-09

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GIPSA Alleges Scott Nemitz Violated the Packers and Stockyards Act

WASHINGTON, July 9, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Scott Nemitz (Nemitz), Iowa, purchased livestock on a commission basis for six different principals at Dunlap Livestock Auction, a posted stockyard located in Dunlap, Iowa, without maintaining an adequate bond as required under the Packers and Stockyards (P&S) Act.

GIPSA filed a complaint against Nemitz on June 29, 2009. If the allegations are admitted, or proven in an oral hearing, Nemitz may be ordered to cease and desist from violating the P&S Act, suspended and assessed a civil penalty.

Nemitz is registered with the Secretary of Agriculture as a dealer and market agency buying on commission under the P&S Act. Packers and Stockyards Program records show this registration as inactive.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 48-09

Contact:
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GIPSA Alleges David Nolan, dba Northern Livestock Violated the Packers and Stockyards Act

WASHINGTON, July 9, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that David Nolan (Nolan), doing business as Northern Livestock, Winnebago, Wisconsin:

- issued checks without having sufficient funds to cover checks;
- failed to pay sellers for the sale of their livestock within the time period required by the Packers and Stockyards (P&S) Act;
- failed to pay the full amount for livestock purchases; and
- failed to keep and maintain such accounts, records and memoranda that fully and correctly disclose his transactions.

GIPSA filed a complaint against Nolan on April 8, 2009. If the allegations are admitted, or proven in an oral hearing, Nolan may be ordered to cease and desist from violating the P&S Act, suspended and assessed a civil penalty.

Nolan is registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency buying on commission.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 52-09

Contact:
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Robert W. Campbell, dba RWC Cattle Company is Assessed a Civil Penalty In the Amount of \$12,000

WASHINGTON, July 14, 2009 - On June 30, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a decision without hearing by reason of consent with Robert W. Campbell (Campbell), doing business as RWC Cattle Company, Mt. Vernon, Texas. Campbell has been ordered to cease and desist from:

- failing to deliver true written accounts of purchases made on order; and
- buying livestock on commission and charging buyers for that livestock based on false weights.

He has also been assessed a civil penalty in the amount of \$12,000 and ordered to keep accounts, records and memoranda that fully disclose his transactions, including load make up records that fully and correctly disclose the source, weight, and purchase price of livestock purchased and adjustments to the prices invoiced to buyers.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 50-09

Contact:
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GIPSA Alleges El Campo Livestock Co., Inc. and John Banker Violated the Packers and Stockyards Act

WASHINGTON, July 14, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that El Campo Livestock Co., Inc. (El Campo) under the direction, management and control of John Banker (Banker), El Campo, Texas:

- failed to maintain their custodial account in strict conformity with the regulations; and;
- failed to reimburse their custodial account in a timely fashion resulting in a deficiency in funds available to pay shippers their proceeds.

GIPSA filed a complaint against El Campo and Banker on June 30, 2009. If the allegations are admitted, or proven in an oral hearing, they may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and assessed a civil penalty.

El Campo is registered with the Secretary of Agriculture as a market agency to sell livestock on commission and sells livestock in commerce on a commission basis.

Banker is president, 100% owner of El Campo, and manages, directs and controls the daily operations.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

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GIPSA Alleges El Campo Livestock Co., Inc. and John Banker Violated the Packers and Stockyards Act

WASHINGTON, July 14, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that El Campo Livestock Co., Inc. (El Campo) under the direction, management and control of John Banker (Banker), El Campo, Texas:

- failed to maintain their custodial account in strict conformity with the regulations; and;
- failed to reimburse their custodial account in a timely fashion resulting in a deficiency in funds available to pay shippers their proceeds.

GIPSA filed a complaint against El Campo and Banker on June 30, 2009. If the allegations are admitted, or proven in an oral hearing, they may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and assessed a civil penalty.

El Campo is registered with the Secretary of Agriculture as a market agency to sell livestock on commission and sells livestock in commerce on a commission basis.

Banker is president, 100% owner of El Campo, and manages, directs and controls the daily operations.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 51-09

Contact:
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Fergus Falls Livestock Auction Market, Inc. and Joe Varner are Assessed a Civil Penalty In the Amount of \$7,500

WASHINGTON, July 14, 2009- On June 30, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a decision without hearing by reason of consent with Fergus Falls Livestock Auction Market, Inc. (Fergus) under its manager, Joe Varner (Varner), Fergus Falls, Minnesota. Fergus and Varner have been ordered to cease and desist from:

- failing to deposit in its custodial account, in a timely fashion, an amount equal to the outstanding proceeds receivable from the sale of consigned livestock; and
- failing to maintain their custodial account in strict conformity with the provisions of the regulation.

They have also been assessed a civil penalty in the amount of \$7,500.

The decision resolves charges that were filed on March 6, 2009, in which GIPSA alleged that Fergus and Varner:

- failed to properly maintain its Custodial Account for Shippers' Proceeds endangering payment to livestock sellers; and
- failed to deposit in its custodial account, in a timely fashion, an amount equal to the proceeds receivable from the sale of consigned livestock resulting in a shortage of funds available to pay shippers their net proceeds.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 53-09

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G. Patrick Zweifel, dba S&P Livestock Exchange, and dba Springtime Sales, and Springtime Dairy is Suspended as a Registrant

WASHINGTON, August 3, 2009 - On May 18, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) issued a default decision against G. Patrick Zweifel (Zweifel), doing business as S&P Livestock Exchange, and Springtime Sales, and Springtime Dairy, Orfordville, Wisconsin.

Zweifel has been ordered to cease and desist from:

- engaging in business in any capacity for which bonding is required under the Packers and Stockyards (P&S) Act without filing and maintaining an adequate bond;
- issuing checks without maintaining sufficient funds;
- failing to pay for livestock purchases in a timely manner; and
- failing to pay the full purchase price for livestock purchases.

Zweifel is suspended as a registrant under the P&S Act for a period of 5 years.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 56-09

Contact:
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GIPSA Alleges James Bailey, dba B&B Farms Violated the Packers and Stockyards Act

WASHINGTON, August 13, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that James Bailey (Bailey), doing business as B&B Farms, Mineral Bluff, Georgia:

- issued checks without having sufficient funds to cover checks; and
- failed to pay sellers for the sale of their livestock within the time period required by the Packers and Stockyards (P&S) Act.

GIPSA filed a complaint against Bailey on August 5, 2009. If the allegations are admitted, or proven in an oral hearing, Bailey may be ordered to cease and desist from violating the P&S Act, suspended and assessed a civil penalty.

As of the date of this complaint, \$16,647.48 remains unpaid to sellers. Bailey is engaged in the business of buying and selling livestock in commerce as a dealer and is registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 57-09

Contact:
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Bob Evans Farms, Inc. Enters into a Consent Decision

WASHINGTON, August 13, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a decision without hearing by reason of consent with Bob Evans Farms (Bob Evans Farms), Inc., Columbus, Ohio. Bob Evans Farms has been ordered to cease and desist from failing to pay for livestock purchases in a timely manner and is to purchase livestock according to the provisions outlined in the Understanding Regarding Consent Decision. The conditions with respect to the Understanding Regarding Consent Decision are:

- Bob Evans Farms is to make prompt payment for all livestock purchases;
- file and maintain a reasonable bond (initial bond \$1,100,000) to secure payment for livestock purchases;
- furnish report described in 9C.F.R. § 201.30(d) on a semi-annual basis;
- and is to certify on a semi-annual basis that the bond remains in place.

Bob Evans Farms waived any further hearing of proceeding in this matter should the Packers and Stockyards Program find that Bob Evans Farms has breached the Understanding or any portion thereof. The Understanding remains in effect until January 1, 2012, or until Bob Evans Farms demonstrates that its current assets exceed its current liabilities, whichever comes first.

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News Release

Release No.: 54-09

Contact:
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GIPSA Alleges Carthage Livestock, Inc. Violated the Packers and Stockyards Act

WASHINGTON, August 13, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Carthage Livestock, Inc. (Carthage), Carthage, Illinois, operated while insolvent and its current liabilities exceed its current assets.

GIPSA filed a complaint against Carthage on July 29, 2009. If the allegations are admitted, or proven in an oral hearing, Carthage may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and assessed a civil penalty.

Carthage is engaged in the business of a market agency selling livestock in commerce on a commission basis and is registered with the Secretary of Agriculture as a market agency selling livestock on commission and as a dealer buying and selling livestock.

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News Release

Release No.: 55-09

Contact:
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GIPSA Alleges Allen County Livestock Auction, LLC, John Adams and Dale Peterson Violated the Packers and Stockyards Act

WASHINGTON, August 13, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Allen County Livestock Auction, LLC (Allen County Livestock), Gas, Kansas; John Adams (Adams), Iola, Kansas; and Dale Peterson (Peterson), Marion, Kansas:

- failed to properly maintain its custodial account for shipper's proceeds resulting in custodial account shortages; and
- failed to deposit into its custodial account, in a timely fashion, an amount equal to the proceeds receivable from the sale of consigned livestock.

GIPSA filed a complaint against Allen County Livestock on July 29, 2009. If the allegations are admitted, or proven in an oral hearing, Allen County Livestock may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and assessed a civil penalty.

Allen County Livestock was engaged in the business of a market agency selling consigned livestock in commerce on a commission basis and was registered with the Secretary of Agriculture to sell livestock in commerce on a commission basis. Allen County Livestock also conducts and operates a posted stockyard.

Adams and Peterson are partners and each 50 percent owners of Allen County Livestock; responsible for the day-to-day direction, management and control of Allen County Livestock; and a market agency subject to the provisions of the P&S Act.

Allen County Livestock is presently operating under new ownership. The new operating entity is registered with the Secretary of Agriculture.



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News Release

Release No.: 60-09

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USDA Proposes Changes to their Regulations Regarding Grain Inspection, Packers and Stockyards Administration's Testing of Scales

WASHINGTON, August 27, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) is proposing to amend one section of the regulations under the Packers and Stockyards Act of 1921, as amended (P&S Act), regarding the requirement that stockyard owners, market agencies, dealers, packers, or live poultry dealers that weight livestock, live poultry, or feed, have their scales tested at least twice each calendar year at intervals of approximately 6 months.

This proposal would amend the current regulations to state that the 6-month interval in which scale owners must have their scales tested each calendar year is not longer approximate. Specifically, the proposal would require that scale owners complete the first of the two scale tests between January 1 and June 30 of the calendar year. The remaining scale test would be required to be completed between July 1 and December 31 of the calendar year. In addition, a minimum period of 120 days would be required between these two tests. More frequent testing would still be required in cases where a scale does not maintain accuracy between tests.

Finally, we are proposing to amend that section of the regulations to add 'swine contractors' to the list of regulated entities to which the section applies. GIPSA believes that this proposed action would facilitate GIPSA's ability to regulate the business operations of stockyard owners, swine contractors, market agencies, dealers, packers or live poultry dealers through the effective enforcement of the P&S Act.

The proposed rule was published in the August 24th Federal Register. GIPSA is accepting public comments received by October 23, 2009. Additional information is available in GIPSA's Federal Register notice at www.gipsa.usda.gov.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 58-09

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Sioux-Preme Packing Co., Inc. dba Sioux-Preme Pork Products, Ltd. is Assessed a Civil Penalty in the Amount of \$11,000

WASHINGTON, August 27, 2009 - On August 11, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a decision without hearing by reason of consent with Sioux-Preme Packing Co., Inc. (Sioux-Preme), doing business as Sioux-Preme Pork Products, Ltd., Sioux Center, Iowa.

Sioux-Preme is ordered to cease and desist from failing to comply with 9 C.F.R. § 201.71 of the regulations and the applicable requirements contained in the General Code, Scale Code, and Weights Code of the 1996 edition of National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," (Handbook 44) which is incorporated in 9 C.F.R. § 201.71 by reference.

Sioux-Preme is assessed a civil penalty in the amount of \$11,000.

This decision resolves charges that were filed on June 16, 2009, in which GIPSA alleged that Sioux-Preme purchased livestock, and in connection with those purchases, failed to maintain and operate its livestock scale to ensure accurate weights.

The Packers and Stockyards Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 59-09

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Hereford Livestock Exchange, Inc., dba Livestock Exchange, Ltd; Portales Livestock Auction, Inc; and Randy Bouldin have been Suspended as Registrants for a Period of Five Years

WASHINGTON, August 27, 2009 - On June 2, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a decision without hearing by reason of consent with Hereford Livestock Exchange, Inc. (Hereford), doing business as Livestock Exchange, Ltd., Hereford, Texas; Portales Livestock Auction, Inc. (Portales); and Randy Bouldin (Bouldin), Portales, New Mexico.

Hereford, Portales, and Bouldin have been ordered to cease and desist from:

- failing to deposit into their custodial accounts, in a timely fashion, an amount equal to the outstanding proceeds receivable from the sale of consigned livestock;
- failing to maintain their custodial accounts in strict conformity with section 201.42 of the regulations (9 C.F.R. § 201.42);
- using funds received from the sale of consigned livestock for any purpose other than payment to consignors and payment of lawful marketing charges;
- issuing checks without having sufficient funds to cover checks; and
- failing to pay for the sale of livestock within the time period required by the regulations.

They are suspended as registrants under the Packers and Stockyards (P&S) Act for a period of 5 years. After 1 year of active suspension and upon application to the Packers and Stockyards Program, Bouldin may request a supplemental order that permits his salaried employment, or other modification of the suspension, based upon demonstration that full payment has been made to all unpaid livestock sellers and consignors who had not received full payment on or before June 2, 2009.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 63-09

Contact:
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GIPSA Alleges McLaughlin Livestock, Inc., Mitchell Livestock Auction, Inc., and Watertown Sales Barn, Inc. Violated the Packers and Stockyards Act

WASHINGTON, DC (Sept. 10, 2009) - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that McLaughlin Livestock, Inc. (McLaughlin), McLaughlin, South Dakota; Mitchell Livestock Auction, Inc. (Mitchell), Mitchell, South Dakota; and Watertown Sales Barn, Inc. (Watertown), Watertown, South Dakota, are insolvent. Each of the respondents' current liabilities exceeds its current assets.

GIPSA filed a complaint against McLaughlin, Mitchell, and Watertown on August 28, 2009. If the allegations are admitted, or proven in an oral hearing, McLaughlin, Mitchell, and Watertown may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and assessed a civil penalty.

McLaughlin is registered with the Secretary of Agriculture as a market agency to sell livestock in commerce on a commission basis.

Mitchell is registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for its own account and as a market agency to sell livestock in commerce on a commission basis.

Watertown is registered with the Secretary of Agriculture as a market agency to sell livestock in commerce on a commission basis.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 65-09

Contact:
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Vermilion Ranch Company, dba Billings Livestock Commission Company is Assessed a Civil Penalty in the Amount of \$31,000

WASHINGTON, October 8, 2009 - On September 23, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a consent decision with Vermilion Ranch Company (Vermilion), doing business as Billings Livestock Commission Company, Billings, Montana.

Vermilion has been ordered to cease and desist from:

- failing to deposit into their custodial account, in a timely fashion, an amount equal to the outstanding proceeds receivable from the sale of consigned livestock;
- failing to maintain their custodial account in strict conformity with section 201.42 of the regulations (9 C.F.R. § 201.42);
- permitting its auctioneer to directly or indirectly purchase livestock out of consignment for his own account; and
- failing to otherwise operate in compliance with section 201.56(c) of the Regulations (9 C.F.R. § 201.56(c)).

Vermilion has been assessed a civil penalty in the amount of \$31,000.

The Packers and Stockyards Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 72-09

Contact:
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Michael J. Seubert is Assessed a Civil Penalty in the Amount of \$12,000

WASHINGTON, Oct. 15, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a decision without hearing by reason of consent with Michael J. Seubert (Seubert), Dorchester, Wisconsin.

Seubert is ordered to cease and desist from buying and selling livestock without maintaining an adequate bond.

Seubert is assessed a civil penalty in the amount of \$12,000.

This decision resolves charges that were filed on June 30, 2009, in which GIPSA alleged that Seubert bought and sold livestock in commerce without maintaining an adequate bond as required by the Packers and Stockyards (P&S) Act and regulations.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 73-09

Contact:
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McAndrews Livestock Company, Inc., and John McAndrews Suspended for 5 Years

WASHINGTON, Oct. 15, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a decision without hearing by reason of consent with McAndrews Livestock Company, Inc. (McAndrews Livestock), and John McAndrews, Garnavillo, Iowa.

McAndrews Livestock and John McAndrews are ordered to cease and desist from:

- issuing checks without having sufficient funds to cover checks;
- failing to pay the full amount due to livestock sellers;
- failing to pay the full purchase price for livestock within the time period required by the Packers and Stockyards (P&S) Act; and
- operating in any capacity under the P&S Act while its current liabilities exceed its current assets.

John McAndrews is suspended as a registrant for a period of 5 years.

This decision resolves charges that were filed on June 18, 2008, in which GIPSA alleged that McAndrews Livestock and John McAndrews:

- issued checks without having sufficient funds to cover checks;
- failed to pay the full purchase price for livestock purchased within the time period required by the P&S Act; and
- failed to pay the full amount due to livestock sellers.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 70-09

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GIPSA Alleges Herreid Livestock Auction, Inc. and Joe Varner Violated the Packers and Stockyards Act

WASHINGTON, Oct. 15, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Herreid Livestock Auction, Inc. (Herreid) and Joe Varner (Varner), Herreid, South Dakota, are insolvent. Their current liabilities exceed their current assets.

GIPSA filed a complaint against Herreid and Varner on October 9, 2009. If the allegations are admitted, or proven in an oral hearing, Herreid and Varner may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and assessed a civil penalty.

Herreid is engaged in the business of conducting and operating a posted stockyard. Herreid is also registered with the Secretary of Agriculture as a market agency selling livestock in commerce on a commission bases at the stockyard.

Varner is president, sole director, and 100% shareholder of Herreid.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 71-09

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GIPSA Alleges Gregory A. Mellott Failed to Pay for Livestock Purchases

WASHINGTON, Oct. 15, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Gregory A. Mellott (Mellott), St. Thomas, Pennsylvania, purchased livestock and failed to pay sellers the full amount of the purchase price for livestock within the time period required by the Packers and Stockyards (P&S) Act.

GIPSA filed a complaint against Mellott on October 8, 2009. If the allegations are admitted, or proven in an oral hearing, Mellott may be ordered to cease and desist from violating the P&S Act, suspended and assessed a civil penalty.

Mellott is registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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GIPSA Alleges Deward B. Wolfe and Jonathan Wolfe, dba Wolfe Livestock Failed to Pay for Livestock Purchases

WASHINGTON, Oct. 15, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Deward B. Wolfe and Jonathan Wolfe, doing business as Wolfe Livestock, Bean Station, Tennessee, purchase livestock and failed to pay sellers the full amount of the purchase price for livestock within the time period required by the Packers and Stockyards (P&S) Act.

GIPSA filed a complaint against Deward and Jonathan Wolfe on October 8, 2009. If the allegations are admitted, or proven in an oral hearing, Deward and Jonathan Wolfe may be ordered to cease and desist from violating the P&S Act, suspended and assessed a civil penalty.

Deward and Jonathan Wolfe are registered with the Secretary of Agriculture as dealers to buy and sell livestock in commerce for their own account.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 68-09

Contact:
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GIPSA Alleges Richard Hale Failed to Pay for Livestock Purchases

WASHINGTON, Oct. 15, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Richard Hale (Hale), Twin Falls Idaho, failed to pay sellers for the sale of their livestock within the time period required by the Packers and Stockyards (P&S) Act.

GIPSA filed a complaint against Hale on September 30, 2009. If the allegations are admitted, or proven in an oral hearing, Hale may be ordered to cease and desist from violating the P&S Act, suspended and assessed a civil penalty.

Hale is engaged in the business of buying and selling livestock in commerce as a dealer for his own account and for the account of others. He is also registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account and for the account of others.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 66-09

Contact:
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GIPSA Alleges C. B. Schley Violated the Packers and Stockyards Act

WASHINGTON, Oct. 15, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that C. B. Schley (Schley), Fayetteville, Texas, failed to pay sellers for their livestock within the time period required by the Packers and Stockyards (P&S) Act.

GIPSA filed a complaint against Schley on September 30, 2009. If the allegations are admitted, or proven in an oral hearing, Schley may be ordered to cease and desist from violating the P&S Act, suspended and assessed a civil penalty.

Schley is engaged in the business of buying and selling livestock in commerce for his own account as a dealer and is registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 75-09

Contact:
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Scott Nemitz Suspended as a Registrant for 30 Days

WASHINGTON, Oct. 29, 2009 - On September 11, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration entered into a consent decision with Scott Nemitz, Iowa.

Nemitz has been ordered to cease and desist from purchasing livestock without filing the required bond under the Packers and Stockyards (P&S) Act.

Nemitz is suspended as a registrant for a period of 30 days.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 74-09

Contact:
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GIPSA Alleges Randy Freeman Violated the Packers and Stockyards Act

WASHINGTON, Oct. 29, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Randy Freeman (Freeman), Ben Franklin, Texas, was notified to increase his bond coverage and continued purchasing livestock without maintaining an adequate bond. Freeman did not maintain adequate business records as required by the Packers and Stockyards (P&S) Act.

GIPSA filed a complaint against Freeman on October 15, 2009. If the allegations are admitted, or proven in an oral hearing, Freeman may be ordered to cease and desist from violating the P&S Act, suspended and assessed a civil penalty.

Freeman is engaged in the business of a dealer buying and selling livestock in commerce for his own account and as a market agency selling on commission basis. He is also registered with the Secretary of Agriculture as a dealer and market agency.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 79-09

Contact:
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USDA Publishes Final Rule to Incorporate the 2009 Edition of the National Institute of Standards and Technology Handbook 44

WASHINGTON, Nov. 5, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) published the Final Rule in the Federal Register on October 20, 2009, to incorporate by reference the 2009 edition of the National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," and to require that scales used by stockyard owners, market agencies, dealers, packers, and live poultry dealers to weigh livestock, livestock carcasses, live poultry, or feed for the purposes of purchase, sale, acquisition, payment or settlement meet applicable requirements of the 2009 NIST Handbook 44. GIPSA also amended that section of the regulations to add "swine contractors" to the list of regulated entities to which the section applies. The Final Rule will become effective November 19, 2009.

The regulations under the Packers and Stockyards (P&S) Act have specific requirements for scales that regulated entities used for weighing livestock, poultry or feed and packers purchasing livestock on a carcass grade, weight, or grade and weight basis.

The amendment to Section 201.71 of the regulations under the P&S Act will incorporate by reference the 2009 edition of NIST Handbook 44. Section 201.71 also provides instruction on how to obtain copies of the handbook, which includes updated standards for operating, maintaining, and testing scales and standards for electronic devices.

The changes to add swine contractor as a regulated entity will make section 201.71 (a), (b), (c), and (d) consistent with other regulations under the P&S Act regarding regulated entities that have been amended to include swine contractors.

The proposed rule was published in the May 15th Federal Register and received no comments.



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News Release

Release No.: 80-09

Contact:
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USDA Proposes Changes to its Swine Contract Library

WASHINGTON, Nov. 5, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) proposes rulemaking that would re-establish the regulatory authority for the Swine Contract Library's continued operation and incorporate certain changes contained within the Reauthorization Act that impact the library, as well as make other changes to enhance the library's overall effectiveness and efficiency in response to input from regulated entities and the public.

USDA is also requesting a 3-year extension of and revision to the currently approved information collection in support of the reporting and recordkeeping requirements for the Swine Contract Library program. This approval is required under the Paperwork Reduction Act.

On August 11, 2003, GIPSA implemented new Subtitle B of Title II of the P&S Act, which was added by the Livestock Mandatory Reporting Act of 1999 (1999 Act), and established the Swine Contract Library. The statutory authority for the library lapsed on September 30, 2005. On October 5, 2006, the Livestock Mandatory Reporting Reauthorization Act reauthorized the 1999 Act until September 30, 2010, and also amended the swine reporting requirements of the 1999 Act.

The proposed rule was published in the October 15th Federal Register. GIPSA is accepting public comments received by December 28, 2009. Additional information is available in GIPSA's Federal Register notice at archive.gipsa.usda.gov.

The Packers and Stockyards Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 76-09

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North Star Beef, Inc. and William Gilger are Assessed A Civil Penalty in the Amount of \$5,000

WASHINGTON, Nov. 5, 2009 - On October 22, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a decision without hearing by reason of consent with North Star Beef, Inc., (North Star) and William Gilger (Gilger), Buffalo Lake, Minnesota.

North Star and Gilger are ordered to cease and desist from:

- failing to pay for livestock purchases in a timely manner;
- issuing checks for livestock purchases without having sufficient funds to cover checks; and
- engaging in business while current liabilities exceeded current assets.

North Star and Gilger are assessed a civil penalty in the amount of \$5,000.

The Packers and Stockyards Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 77-09

Contact:
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Great Western Auctions, LLC is Assessed A Civil Penalty in the Amount of \$10,000

WASHINGTON, Nov. 5, 2009 - On August 4, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) issued a default decision and order against Great Western Auctions, LLC (Great Western), Magnolia, Texas. The default decision and order became final and effective on October 6, 2009.

Great Western has been ordered to cease and desist from:

- engaging in operations subject to the Packers and Stockyards (P&S) Act without maintaining an adequate bond; and
- failing to keep records that fully and correctly disclose all transactions involved in the business.

Great Western is assessed a civil penalty in the amount of \$10,000.

The Packers and Stockyards Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 83-09

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Johnny Slover is Assessed A Civil Penalty in the Amount of \$1,000

WASHINGTON, Nov. 16, 2009 - On August 17, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) issued a decision without hearing by reason of default against Johnny Slover (Slover), Athens, Texas. The decision without hearing by reason of default became final and effective on October 26, 2009.

Slover has been ordered to cease and desist from engaging in business in any capacity for which registration and bonding is required without filing and maintaining an adequate bond as required under the Packers and Stockyards (P&S) Act.

Slover is assessed a civil penalty in the amount of \$1,000.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 84-09

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James Emanuel Mowery is Suspended as a Registrant

WASHINGTON, Nov. 16, 2009 - On August 17, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) issued a decision without hearing by reason of default against James Emanuel Mowery (Mowery), Tennessee. The decision without hearing by reason of default became final and effective on October 30, 2009.

Mowery has been ordered to cease and desist from engaging in business in any capacity for which registration and bonding is required without filing and maintaining an adequate bond as required under the Packers and Stockyards (P&S) Act.

Mowery is suspended as a registrant for a period of 30 days.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 85-09

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Gary D. Fulton, dba Duncan Farms is Assessed a Civil Penalty in the Amount of \$2,000

WASHINGTON, Nov. 19, 2009 - On October 16, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a decision without hearing by reason of consent against Gary D. Fulton (Fulton), dba Duncan Farms, Lewiston, Illinois.

Fulton has been ordered to cease and desist from:

- failing to pay the full purchase price for livestock within the time period required by the Packers and Stockyards (P&S) Act: and
- failing to keep accounts, records, and memoranda which fully and correctly disclose the true facts of all transactions involved in his business subject to the P&S Act.

Fulton has been assessed a civil penalty in the amount of \$2,000.

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News Release

Release No.: 86-09

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GIPSA Alleges E.M.M. Pig Placement Co., LLC Failed to Pay Sellers the Full Amount for Livestock Purchases

WASHINGTON, Nov. 19, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that, E.M.M. Pig Placement Co. (E.M.M. Pig), LLC, Baldwin, Iowa, purchased livestock and failed to pay sellers the full amount of the purchase price for livestock within the time period required by the Packers and Stockyards (P&S) Act.

GIPSA filed a complaint against E.M.M. Pig on November 5, 2009. The complaint can be found on the GIPSA Web: <http://archive.gipsa.usda.gov/GIPSA/webapp?area=home&subject=Imp&topic=ea-com10>. If the allegations are admitted, or proven in an oral hearing, E.M.M. Pig may be ordered to cease and desist from violating the P&S Act, suspended and assessed a civil penalty.

E.M.M. Pig was in the business of buying and selling livestock in commerce for its own account as a dealer and was registered with the Secretary of Agriculture. E.M.M. Pig ceased business operations on August 4, 2008.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 88-09

Contact:
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GIPSA Alleges Ruben S. Saavedra, Jr. Violated the Packers and Stockyards Act

WASHINGTON, Nov. 30, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that, Ruben S. Saavedra, Jr. (R. Saavedra), Jarales, New Mexico, bought livestock on commission without being registered with the Secretary of Agriculture and did not maintain an adequate bond.

GIPSA filed a complaint against R. Saavedra on November 13, 2009. If the allegations are admitted, or proven in an oral hearing, R. Saavedra may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended and assessed a civil penalty.

R. Saavedra engaged in the business of buying livestock in commerce on a commission bases and operated as a dealer or market agency. R. Saavedra is not registered as a dealer or market agency with the Secretary of Agriculture. On December 5, 2008, he filed an application for registration, but did not file a bond or bond equivalent.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 89-09

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GIPSA Alleges Efren Saavedra, Jr., dba Ft. Worth & Company Violated the Packers and Stockyards Act

WASHINGTON, Nov. 30, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that, Efren Saavedra, Jr. (E. Saavedra), doing business as Ft. Worth & Company, Albuquerque, New Mexico, bought livestock on commission without being registered with the Secretary of Agriculture; did not maintain an adequate bond; and failed to pay for livestock purchases within the time period required by the Packers and Stockyards (P&S) Act.

GIPSA filed an amended complaint against E. Saavedra on November 19, 2009. If the allegations are admitted or proven in an oral hearing, E. Saavedra may be ordered to cease and desist from violating the P&S Act, suspended and assessed a civil penalty.

E. Saavedra operated as a dealer buying and selling livestock in commerce. He also operated as a market agency. On or about January 22, 2009, he applied with the Secretary of Agriculture to be registered as a market agency providing clearing services and as a dealer to buy and sell livestock. To date, he has not filed a bond or its equivalent.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 87-09

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**Beyer & Funderburgh, LTD., dba ABF Packing, Ltd., and Erath County Dairy Sales, Inc.,
and Pecos Valley Dairy Sales, Inc., and Jimmy J. “Jason” Beyer and Dennis L.
Funderburgh and Jimmy G. “Jim” Beyer are Charged with Multiple Violations of the
Packers and Stockyards Act**

WASHINGTON, Nov. 30, 2009 - On November 10, 2009, the U.S. Department of Agriculture’s Grain Inspection, Packers and Stockyards Administration (GIPSA) resolved allegations of anticompetitive behavior in the livestock industry by entering into a decision without hearing by reason of consent with Beyer & Funderburgh, Ltd., doing business as ABF Packing, Ltd., Dublin, Texas; and Jimmy J. “Jason” Beyer and Dennis L. Funderburgh, Stephenville, Texas; Erath County Dairy Sales, Inc., and Jimmy G. “Jim” Beyer, Dublin, Texas; and Pecos Valley Dairy Sales, Dexter, New Mexico.

Beyer & Funderburgh, Ltd., doing business as ABF Packing, Ltd. and Jimmy J. “Jason” Beyer and Jimmy J. “Jason” Beyer and Dennis L. Funderburgh are ordered to cease and desist from:

- having an ownership interest in, financing or participating in the management or operation of a market agency selling livestock on a commission basis;
- purchasing livestock for resale without being registered and bonded with the Secretary of Agriculture; and
- failing to conduct their buying operation independently of packers who are buying the same classes of livestock.

Erath County Dairy Sales, Inc. And Jimmy G. “Jim” Beyer have been ordered to cease and desist from permitting a packer to have an ownership interest in, finance, or participate in the management or operation of such market agency.



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News Release

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Pecos Valley Dairy Sales, Inc., and Jimmy G. "Jim" Beyer have been ordered to cease and desist from purchasing livestock at Pecos Valley Dairy Sales, Inc., without disclosing on the account of sale the name of the buyer and nature of the relationship existing between Pecos Valley Dairy Sales, Inc., and the buyer.

Beyer and Funderburgh, LTD doing business as ABF Packing, Ltd., Jimmy J. "Jason" Beyer and Dennis Funderburgh are assessed a civil penalty in the amount of \$10,750.

Erath County Dairy Sales, Inc., and Jimmy G. "Jim" Beyer are assessed a civil penalty in the amount of \$825.

The Packers and Stockyards Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 93-09

Contact:
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Lamar Delmas is Suspended as a Registrant

WASHINGTON, Dec. 3, 2009 - On November 17, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a decision without hearing by reason of consent with Lamar Delmas (Delmas), Escatawpa, Mississippi.

Delmas has been ordered to cease and desist from:

- failing to pay the full purchase price for livestock within the time period required by the Packers and Stockyards (P&S) Act; and
- issuing checks for payment of livestock purchases without having sufficient funds to cover checks.

Delmas is suspended as a registrant for a period of 7 years. A supplemental order may be issued terminating the suspension after 240 days provided all unpaid livestock sellers have been paid in full.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 92-09

Contact:
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GIPSA Settles Two Cases Resulting in \$6,125 in Civil Penalties

WASHINGTON, Dec. 3, 2009- The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration's (GIPSA) enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer an alleged violator the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

GIPSA recently settled two cases resulting in \$6,125 in civil penalties.

Raymond and JoAnn Brown, Comanche Livestock Auction, Inc., Comanche, Oklahoma, waived their right to a hearing, entered into a stipulation agreement, and paid a penalty of \$3,000 after GIPSA found that they had shortages in their custodial account for shippers' proceeds.

Ronald Lemons, Lewisburg, West Virginia, waived his right to a hearing, entered into a stipulation agreement, and paid a penalty of \$3,125 after GIPSA found that he failed to pay for livestock purchases in a timely manner.

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News Release

Release No.: 94-09

Contact:
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C.B. Schley is Assessed A Civil Penalty in the Amount of \$3,500

WASHINGTON, Dec. 3, 2009- On November 18, 2009, the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) entered into a decision without hearing by reason of consent with C.B. Schley (Schley), Fayetteville, Texas.

Schley has been ordered to cease and desist from failing to pay for livestock within the time period required by the Packers and Stockyards (P&S) Act.

Schley has been assessed a civil penalty in the amount of \$3,500.

The decision resolves charges that were filed on September 30, 2009, in which GIPSA alleged that Schley failed to pay sellers for their livestock within the time period required by the P&S Act.

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News Release

Release No.: 95-09

Contact:
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GIPSA Settles Two Cases Resulting in \$3,125 in Civil Penalties

WASHINGTON, Dec. 17, 2009- The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration's (GIPSA) enforcement rules provide a mechanism to quickly resolve violations of the Packers and Stockyards (P&S) Act. GIPSA may offer an alleged violator the option of waiving their right to a hearing and entering into a stipulation agreement to quickly resolve alleged violations.

GIPSA recently settled two cases resulting in \$3,125 in civil penalties.

Gene Isom, Sherman, Texas, waived his right to a hearing, entered into a stipulation agreement, and paid a penalty of \$2,500 after GIPSA found that he operated as a livestock dealer subject to the P&S Act without filing the required bond coverage.

James Giruzzi, Frankfort, New York, waived his right to a hearing, entered into a stipulation agreement, and paid a penalty of \$625 after GIPSA found that he failed to pay for livestock purchases in a timely manner.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

Release No.: 98-09

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GIPSA Alleges Sam D. Holder, aka Bill Holder and Mark K. Holder, dba Trousdale County Livestock Market Violated the Packers and Stockyards Act

WASHINGTON, Dec. 17, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Sam D. Holder, also known as Bill Holder and Mark K. Holder, (respondents) doing business as Trousdale County Livestock Market, Hartsville, Tennessee:

- permitted bank charges to be deducted from the custodial account;
- failed to properly maintain its custodial account for shipper's proceeds resulting in custodial account shortages; and
- failed to deposit into its custodial account, in a timely fashion, an amount equal to the proceeds receivable from the sale of consigned livestock.

GIPSA filed a complaint against respondents on December 3, 2009.. If the allegations are admitted, or proven in an oral hearing, respondents may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended, and assessed a civil penalty.

Respondents engaged in the business of a market agency buying and selling livestock in commerce on a commission basis, and registered with the Secretary of Agriculture as a market agency to buy and sell livestock in commerce on a commission basis.

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News Release

Release No.:96-09

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GIPSA Alleges Noah's Ark Processors Corp. aka Noah's Ark Processors, LLC Violated the Packers and Stockyards Act

WASHINGTON, Dec. 17, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Noah's Ark Processors Corp. also known as Noah's Ark Processors, LLC (Noah's Ark), Dawson, Minnesota, purchased livestock in commerce for the purpose of slaughter and or manufacturing or preparing meats or meat food products for sale or shipment in commerce without maintaining an adequate bond. GIPSA filed a complaint against Noah's Ark on December 3, 2009. If the allegations are admitted, or proven in an oral hearing, Noah's Ark may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act and assessed a civil penalty.

Noah's Ark engaged in the business of purchasing livestock in commerce for slaughter and manufacturing or preparing meats or meat food products for sale or shipment in commerce, and is a packer subject to the provisions of the P&S Act.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



Grain Inspection,
Packers and
Stockyards Administration
STOP 3601
1400 Independence Ave., SW
Washington, D.C. 20250-3601
Web: www.gipsa.usda.gov

News Release

Release No.: 96-09

Contact:
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GIPSA Alleges Jeff Dutton, dba Jeff Dutton Cattle Co., and dba Bar 7 Cattle Co. Violated the Packers and Stockyards Act

WASHINGTON, Dec. 17, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Jeff Dutton (Dutton), doing business as Jeff Dutton Cattle Co., and doing business as Bar 7 Cattle Co., Texas:

- operated as a market agency buying livestock on commission without being properly bonded;
- issued checks in payment for livestock purchases which were returned unpaid; and
- as of November 4, 2009, failed to pay for \$59,533.92 worth of livestock purchases.

GIPSA filed a complaint against Dutton on December 3, 2009. If the allegations are admitted, or proven in an oral hearing, Dutton may be ordered to cease and desist from violating the Packers and Stockyards (P&S) Act, suspended, and assessed a civil penalty.

Dutton engaged in the business of buying and selling livestock as a dealer for his own account; as a market agency buying livestock in commerce on a commission basis; is not registered as a dealer or market agency with the Secretary of Agriculture; and operated as a dealer and a market agency within the jurisdiction of the Secretary at all times material to this complaint.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.



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News Release

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Contact:
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GIPSA Alleges Joe U. Ambrose, Jr. Failed to Pay The Full Price for Livestock

WASHINGTON, Dec. 23, 2009 - The U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) has found evidence that Joe U. Ambrose, Jr. (Ambrose), California:

- failed to pay the full purchase price for livestock within the time period required by the Packers and Stockyards (P&S) Act; and
- as of November 2, 2009, failed to pay for \$352,811.43 worth of livestock purchases.

GIPSA filed a complaint against Ambrose on November 30, 2009. If the allegations are admitted, or proven in an oral hearing, Ambrose may be ordered to cease and desist from violating the P&S Act, suspended, and assessed a civil penalty.

Ambrose engaged in the business of buying and selling livestock in commerce as a dealer for his own account; as a market agency buying livestock in commerce on a commission basis; is registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account; and is registered with the Secretary of Agriculture as a market agency to buy livestock in commerce on a commission basis.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.