

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

USDA  
GPO: 2007-0  
PH 12: 01

In re: ) P. & S. Docket No. D-09-0009  
G. Patrick Zweifel, d/b/a S & P )  
Livestock Exchange, and d/b/a )  
Springtime Sales, and d/b/a )  
Springtime Dairy )  
Respondent )  
)  
)  
) Complaint

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

I.

(a) G. Patrick Zweifel, d/b/a S & P Livestock Exchange, and d/b/a Springtime Sales, and d/b/a Springtime Dairy (hereinafter "Respondent"), is an individual whose mailing address is 11628 W. Orfordville Hanover Road, Orfordville, Wisconsin 53576.

(b) At all times material herein, Respondent was:

- (1) Engaged in the business of buying and selling livestock in commerce as a dealer for his own account; and
- (2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.

## II.

(a) On May 18, 2006, the Des Moines, Iowa regional office of Complainant received a letter of credit notification from Wisconsin Community Bank stating that the letter of credit #112-05 for Respondent would mature on August 8, 2006, and that it would not be renewed. In a certified letter dated May 26, 2006, and served upon Respondent on June 1, 2006, Bryce A. Wilke, Trade Practices Supervisor of the Des Moines, Iowa regional office of Complainant, informed Respondent that the regional office had received notice that Respondent's letter of credit would expire on August 6, 2006, and would not be renewed. Respondent was informed that unless he filed a replacement letter of credit, new bond, or bond equivalent on or before, August 6, 2006, he must discontinue all livestock operations for which bonding is required under the Act and the Regulations. Respondent was further informed that continuing livestock operations without filing an adequate bond or bond equivalent was a violation of section 312(a) of the Act (7 U.S.C. § 213(a)) and section 201.29 of the Regulations (9 C.F.R. § 201.29) and subject to disciplinary action.

(b) In a certified letter dated September 28, 2006, and served upon Respondent on October 11, 2006, Bryce A. Wilke, Competition/Trade Practices Supervisor of the Des Moines, Iowa regional office of Complainant, informed Respondent that the regional office had received written notice from Wisconsin Community Bank requesting termination of Respondent's trust agreement TA No. WI-2041. Respondent was informed that the trust agreement would terminate on October 8, 2006. Respondent was again informed that continuing livestock operations without filing a bond or a bond equivalent was a violation of the Act.

### III.

On or about the dates and in the transactions set forth in Appendices A and B and incorporated herein by reference, Respondent engaged in the business of buying and selling livestock as a dealer without maintaining an adequate bond or bond equivalent. Respondent purchased livestock at two posted stockyards: (1) Kalona Sales Barn, Inc., Kalona, Iowa, and (2) T.A.H. Livestock, Inc., Winslow, Illinois. Respondent sold the livestock at auctions conducted by Respondent's auction service company, Cow Biz, LLC, on Respondent's farm in Orfordville, Wisconsin under the trade name "Springtime Dairy."

### IV.

(a) On or about the dates and in the transactions set forth in Appendix C and incorporated herein by reference, Respondent issued checks in payment for livestock purchases, which checks were returned unpaid by the bank upon which they were drawn because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which the checks were drawn to pay the checks when presented.

(b) Respondent, in connection with his operations subject to the Act, on or about the dates and in the transactions set forth in Appendix C and incorporated herein by reference, failed to pay the full amount of the purchase price for livestock within the time period required by the Act, with the total amount remaining unpaid of \$113,354.12 as of September 25, 2008.

### V.

By reason of the facts alleged in paragraphs II and III, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)) and sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§ 201.29, 201.30).

By reason of the facts alleged in paragraph IV, Respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 409).

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether Respondent has willfully violated the Act and the Regulations. Respondent shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9200, in accordance with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.; hereinafter "Rules of Practice"). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer will constitute an admission of all the material allegations of this complaint.

The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), requests:

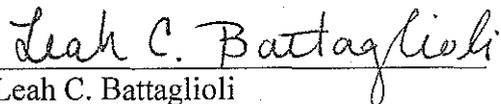
1. That unless Respondent fails to file an answer within the time allowed, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice; and
2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act and the Regulations found to exist and suspending Respondent as a registrant under the Act.

Done at Washington, D.C.

this 8 day of October, 2008



Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Program



Leah C. Battaglioli  
Attorney for Complainant  
Office of the General Counsel  
United States Department of Agriculture  
Room 2309, Stop 1413  
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## Appendix A

G. Patrick Zweifel, d/b/a S & P Livestock Exchange, and d/b/a Springtime Sales, and d/b/a Springtime Dairy  
Purchase Transactions Traced Through to Sale

Purchase Date	Location of Transaction	No. of Head	Total Livestock Purchase Amount	Sale Date	Location of Transaction	Buyer	No. of Head	Total Sale Amount
9/15/2006	T.A.H. Livestock, Inc. Winslow, Illinois	27	\$35,650.00	10/14/2006	Orfordville, Wisconsin	Mike Williams	1	\$850.00
9/29/2006	T.A.H. Livestock, Inc. Winslow, Illinois	16	\$24,100.00	10/14/2006	Orfordville, Wisconsin	Mike Williams	3	\$4,600.00
						Reuben Sensenig	1	\$1,900.00
						Charles Aaron Wickersheim Wickersheim Dairy Farm White Lake, WI	3	\$4,550.00
						Dan Haldiman South Wayne, WI	1	\$2,000.00
						Spring Grove Dairy Brodhead, WI	1	\$1,800.00
						Tom Padgett	1	\$1,800.00
9/29/2006	T.A.H. Livestock, Inc. Winslow, Illinois	6	\$4,750.00	10/14/2006	Orfordville, Wisconsin	Mike Williams	1	\$1,350.00
9/29/2006	T.A.H. Livestock, Inc. Winslow, Illinois	4	\$2,875.00	10/14/2006	Orfordville, Wisconsin	Charles Aaron Wickersheim Wickersheim Dairy Farm White Lake, WI	1	\$850.00
						Tom Padgett	1	\$1,350.00
						Spring Grove Dairy Brodhead, WI	1	\$2,050.00
10/9/2006	Kalona Sales Barn, Inc. Kalona, Iowa	20	\$26,412.08	10/14/2006	Orfordville, Wisconsin	Charles Aaron Wickersheim Wickersheim Dairy Farm White Lake, WI	5	\$8,350.00
						Tom Padgett	2	\$3,100.00
						Dan Haldiman South Wayne, WI	2	\$4,050.00
						Steve Schmitt Sweetwater Farms, Inc. Dane, WI	1	\$2,000.00

Appendix B

G. Patrick Zweifel, d/b/a S & P Livestock Exchange, and d/b/a Springtime Sales, and d/b/a Springtime Dairy Sale Transactions

Sale Date	Location of Transaction	Buyer	No. of Head	Total Livestock Amount
10/14/2006	Orfordville, WI	Spring Grove Dairy Brodhead, WI	11	\$17,300.00
10/14/2006	Orfordville, WI	Craig Doescher Doescher Dairy Farm Argyle, WI	2	\$2,900.00
10/14/2006	Orfordville, WI	Dan Haldiman South Wayne, WI	8	\$15,950.00
10/14/2006	Orfordville, WI	Steve Schmitt Sweetwater Farms, Inc. Dane, WI	1	\$2,000.00
10/14/2006	Orfordville, WI	Charles Aaron Wickersheim Wickersheim Dairy Farm White Lake, WI	32	\$50,400.00
10/14/2006	Orfordville, WI	Mike Williams	28	\$34,350.00
10/14/2006	Orfordville, WI	Buyer No. 30	6	\$8,850.00
10/14/2006	Orfordville, WI	Tom Padgett	12	\$18,200.00
10/14/2006	Orfordville, WI	Reuben Sensenig	9	\$15,800.00
11/4/2006	Orfordville, WI	Frank Dwyer	14	\$24,725.00
11/4/2006	Orfordville, WI	Gene Wilson	1	\$2,100.00
11/4/2006	Orfordville, WI	Fritz Yaun	1	\$1,350.00
11/4/2006	Orfordville, WI	Steve Van Dyke Steve Van Dyke Farm Randolph, WI	10	\$15,175.00
11/4/2006	Orfordville, WI	John Breuch Milladore, WI	5	\$9,650.00
11/4/2006	Orfordville, WI	Dan Haldiman South Wayne, WI	2	\$4,300.00
11/4/2006	Orfordville, WI	Carrie Groebner Juda, WI	1	\$475.00
11/4/2006	Orfordville, WI	Roger Doyle Hazel Green, WI	10	\$11,950.00
11/4/2006	Orfordville, WI	Steve Schmitt Sweetwater Farms, Inc. Dane, WI	16	\$31,400.00
11/4/2006	Orfordville, WI	Spring Grove Dairy Brodhead, WI	2	\$2,550.00
11/4/2006	Orfordville, WI	Mike Ries, Hopkinton, IA	4	\$5,800.00
11/4/2006	Orfordville, WI	Mike Ries, Hopkinton, IA	1	\$1,500.00

Appendix C

G. Patrick Zweifel, d/b/a S & P Livestock, and d/b/a Springtime Sales, and d/b/a Springtime Dairy  
 Failure to Pay, Failure to Pay, When Due, and NSF Checks

Seller	Purchase Date	Date Payment Due Per 409(a)	Number of Head	Livestock Amount	Check Number	Check Date	Check Amount	Date Seller Notified of Returned Check	Reason for Returned Check	Payment Method	Date Paid	Amount Paid by Other Means	Balance Owed for Livestock Amount	No. of Days From Payment Due Date Until Paid in Full	
Steve and Dori Lichty Loyal, Wisconsin	05/24/06	5/25/2006	46	\$60,500.00	8726	06/11/06	\$15,000.00	06/14/06	NSF	Cashier's Check	05/24/06	\$2,000.00			
										Cashier's Check	06/19/06 <sup>a</sup>	\$7,000.00			
										Cashier's Check	06/22/06 <sup>a</sup>	\$8,000.00			
										Wire	08/25/06	\$14,641.03			
										Wire	09/07/06	\$14,641.03			
														112	
Seidl Livestock Sales, Inc. Denmark, Wisconsin	09/08/06	09/11/06	14	\$26,500.00	8782	09/08/06	\$26,500.00		NSF	Wire	09/19/06	\$9,000.00			
										Wire	10/13/06	\$9,000.00	\$8,500.00		
Stephen Garb, d/b/a Beaver Livestock Service Beaver Dam, Wisconsin	09/29/06	10/02/06	1	\$1,050.00	8768	09/29/06	\$1,050.00	10/12/06	NSF	Check <sup>c</sup>	10/25/06	\$1,050.00		23	
Kalona Sales Barn, Inc. Kalona, Iowa	11/20/06	11/21/06	24	\$24,560.00	5022	11/20/06	\$24,560.00	12/18/06	NSF	Consigned Livestock <sup>d</sup>	12/30/06	\$14,305.88	\$10,254.12 <sup>e</sup>		
Loepker Dairy Bartelso, Illinois	02/05/07	02/06/07	37	\$45,500.00	5225	03/01/07	\$25,000.00	03/15/07	NSF	Livestock Retrieval <sup>f</sup>	04/04/07	\$10,000.00			
										Cash	04/04/07	\$1,000.00			
										Check	04/15/08	\$500.00			
										Check	Aug-08 <sup>g</sup>	\$500.00			
										Check	Sep-08 <sup>g</sup>	\$500.00	\$33,000.00		
Roger Payne & Sons Holsteins Glasgow, Kentucky	02/14/07	02/15/07	52	\$53,100.00	9160	02/14/07	\$53,100.00	03/21/07	NSF <sup>h</sup>	Cashier's Check	05/10/07 <sup>i</sup>	\$28,000.00	\$25,100.00 <sup>j</sup>		
Greg Heit, d/b/a Durand Auction Service, Inc. Durand, Wisconsin	02/28/07	02/29/07	23	\$36,500.00	5224	02/28/07	\$36,500.00	03/13/07	NSF				\$36,500.00		
				\$247,710.00					\$181,710.00					\$134,747.94	\$113,354.12

<sup>a</sup> Date of deposit.

<sup>b</sup> Due to the NSF check, Respondent agreed to pay a total of \$60,923.09, which includes interest in the amount of \$423.09. Respondent still owes \$31.03 in interest.

<sup>c</sup> Respondent sold livestock at Kane Livestock Sales, Inc., Reeseville, Wisconsin on October 25, 2006, and had Pate Kane deduct \$1,050.00 from Respondent's proceeds of sale and issue a check to Stephen Garb. Pat Kane issued check no. 35852 in the amount of \$1,050.00 to Stephen Garb on October 25, 2006.

<sup>d</sup> On December 30, 2006, Respondent consigned 28 head of cattle to Kalona Sales Barn, Inc., in the total amount of \$45,550.00 to credit against the amount still due by Respondent.

<sup>e</sup> Respondent carried a running livestock balance with Kalona Sales Barn, Inc., of \$55,804.12 after Respondent's November 20, 2006, purchase. The total excludes a \$600.00 trucking fee. The \$45,550.00 worth of consigned livestock was applied to Respondent's running livestock balance leaving a balance of \$10,254.12 due for the November 20, 2008, purchase.

<sup>f</sup> On April 4, 2007, Daniel Loepker of Loepker Dairy retrieved 12 head of the cattle that he had sold to Respondent valued at \$10,000.00.

<sup>g</sup> Daniel Loepker drove out to Respondent's farm approximately one month ago. Respondent gave Mr. Loepker three checks for \$500.00 each postdated for August, September, and October 2008 respectively. Mr. Loepker cashed the August and September checks. As of September 25, 2008, the October check has yet to be cashed.

<sup>h</sup> The check was stamped "RETURN REASON - D CLOSED ACCOUNT."

<sup>i</sup> According to a letter from the attorney for Roger Payne & Sons Holsteins dated May 10, 2007, a cashier's check in the amount of \$25,000.00 from Respondent had cleared Respondent's account.

<sup>j</sup> The livestock balance due does not include additional charges for trucking, attorney fees, and interest on the unpaid balance, which Respondent agreed to pay, totaling \$6,142.50.