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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P & S Docket No. D-09- 0089
)
Vander Boon Livestock, Inc.)
)
)
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 referred to as “the Act,” and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. §201.1 et seq.), hereinafter referred to as “the Regulations,” and therefore this complaint is issued alleging the following:

I.

- (a) Vander Boon Livestock, Inc., hereinafter referred to as “Respondent,” is a corporation whose mailing address is 6045 Clinton Trail, Clarksville, MI 48815.
- (b) At all times material herein, Respondent was:
 - (1) 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;
 - (2) Operating as a market agency and dealer within the jurisdiction of the Secretary;
 - (3) Registered with the Secretary of Agriculture as a market agency and dealer buying and selling livestock in commerce on a commission basis.

II.

On July 3, 2007, the Packers and Stockyards Program sent Respondent a certified Letter of Notice. The letter referenced sections 9 C.F.R §§ 201.10 and 201.27- 201.34, and notified the Respondent of its obligation to file proof of a suitable bond or bond equivalent with Packers and Stockyards Program before engaging in any operations subject to the Act. Respondent received the letter on July 16, 2007.

On October 5, 2007, the Packers and Stockyards Program sent Respondent a certified letter which stated that Respondent's surety bond would terminate on November 5, 2007. The letter referenced 9 C.F.R. §§ 201.29 of the regulations, which requires market agencies to file and maintain bonds and reminded the Respondent that violators are subject to disciplinary action under the Act. The letter also notified the Respondent that without the requested bond coverage, its continuation of livestock purchases as a market agency would be a violation of 7 U.S.C §213(a) of the Act. Respondent received the letter on September 9, 2007.

Notwithstanding such notice, Respondent continued to engage in business as a market agency and dealer without maintaining an adequate bond or its equivalent as required by the Act and the Regulations.

III.

On or about the dates and in the transactions set forth below, Respondent engaged in the business of a market agency and dealer without maintaining an adequate bond or bond equivalent. The transactions occurred at Lake Odessa Livestock Auction, Inc., in Lake Odessa, Michigan.

Purchase Date	Purchased For	Invoice No.	No. of Head	Livestock Amount	Commission Amount
11/27/07	Bob Butzer	2876	14	\$15,730.90	\$66.15
12/04/07	Bob Butzer	3034	33	\$35,199.17	\$150.42
12/18/07	Bob Butzer	3129	9	\$9,224.80	\$40.10
01/08/08	Bob Butzer	3250	23	\$25,433.56	\$111.07
01/22/08	Bob Butzer	3348	16	\$16,855.58	\$74.06
02/19/08	Bob Butzer	3543	20	\$20,646.28	\$86.55
03/04/08	Bob Butzer	3659	41	\$44,578.57	\$190.49
03/18/08	Bob Butzer	3786	16	\$17,381.43	\$78.35
04/29/08	Bob Butzer	4175	17	\$19,272.15	\$81.87
05/06/08	Bob Butzer	4221	11	\$12,066.69	\$50.08
TOTALS			200	\$216,389.13	\$929.14

IV.

By reason of the facts alleged in paragraph 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).

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 Regulations. Respondent shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington D.C. 20250, in accordance with the Rules of Practice Governing Proceedings Under the Act (7 C.F.R. § 1.130 et seq.; "Rules of Practice"). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer will constitute an admission of all the material allegations of this complaint.

Packers and Stockyards Program, GIPSA, requests:

1. That unless Respondent fails to file an answer within the time allowed, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice; and

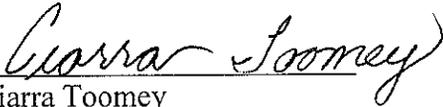
2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act found to exist, suspending Respondent as a registrant under the Act and assessing such civil penalty, as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 3 day of April, 2009



Alan R. Christian
Deputy Administrator,
Packers and Stockyards Program



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