

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

E.M.M. Pig Placement Co., LLC,

Respondent

P & S Docket No. D-10- 0029

COMPLAINT

There is reason to believe that the Respondent named herein has willfully violated provisions of 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) E.M.M. Pig Placement Co., LLC (hereinafter “Respondent”) is a limited liability company organized and existing under the laws of the State of Iowa, whose business mailing address is 4640 48th Avenue, Baldwin, Iowa 52207. Respondent ceased business operations on August 4, 2008. Respondent’s current mailing address is in care of Edwin Alexander, Respondent’s principal, at Edwin Alexander’s home address. In order to protect the personal privacy of Respondent’s principal, Complainant is not providing the principal’s address in this complaint, but Complainant has

provided the address to the Hearing Clerk so that service might be effected.

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

(1) Engaged in the business of buying and selling livestock in commerce for its own account as a dealer; and

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

II

(a) On or about the dates and in the transactions listed below, Respondent failed to pay, within the time period required by the Act, the full purchase price of such livestock. All of Respondent's failures to pay for livestock purchases are set forth below:

Seller	Purchase Date	No. Head	Livestock Amount	Due Date Per §409	Amount Paid	Amount Unpaid
Sand Ridge Pork, LLC	5/5/2008	802	\$12,030.00	5/6/2008	\$7,406.51	\$4,623.49
Sand Ridge Pork, LLC	5/2/2008	806	\$12,090.00	5/5/2008	\$7,443.49	\$4,646.51
L.L. Parks Livestock, Inc.	5/16/2008	1,650	\$24,750.00	5/19/2008	\$12,209.18	\$12,540.82
L.L. Parks Livestock, Inc.	5/20/2008	1,650	\$24,750.00	5/21/2008	\$12,209.18	\$12,540.82
L.L. Parks Livestock, Inc.	5/27/2008	1,450	\$21,750.00	5/28/2008	\$10,731.65	\$11,018.35

- (b) As of the date of issuance of this complaint, Respondent still owes \$9,270 to Sand Ridge Pork, LLC of Creston, Illinois and \$36,100 to L.L. Parks Livestock, Inc of Danville, Illinois.
- (c) On or about the dates and in the transactions listed below, Respondent, failed to pay, when due, the full purchase price of such livestock:

Seller	Purchase Date	No. Head	Livestock Amount	Payment Amount*	Due Date Per §409	Date Paid	Days Late
Sand Ridge Pork, LLC	5/5/2008	802	\$12,030.00	\$7,406.51	5/6/2008	1/27/2009	266
Sand Ridge Pork, LLC	5/2/2008	806	\$12,090.00	\$7,443.49	5/5/2008	1/27/2009	267
L.L. Parks Livestock, Inc.	5/16/2008	1,650	\$24,750.00	\$12,209.18	5/19/2008	1/27/2009	253
L.L. Parks Livestock, Inc.	5/20/2008	1,650	\$24,750.00	\$12,209.18	5/21/2008	1/27/2009	251
L.L. Parks Livestock, Inc.	5/27/2008	1,450	\$21,750.00	\$10,731.65	5/28/2008	1/27/2009	244
*Total Payments to Sand Ridge Pork, LLC and L.L. Parks Livestock, Inc. amount to \$50,000.00; this payment was made from Respondent's \$50,000 bond.							

III

By reason of the facts alleged in paragraph II (a), (b) and (c), Respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b(a)).

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether the Respondent has willfully violated the Act and the regulations issued thereunder. 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 shall 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 accord with the Rules of Practice governing proceedings under the Act.

2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act with respect to the matters alleged herein, suspending Respondent as a registrant under the Act, and assessing such penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.
this 5 day of November 2009



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program



Brian P. Sylvester
Attorney for Complainant
U.S. Department of Agriculture
Office of the General Counsel
1400 Independence Avenue, S.W.
Room 2313-S
Washington, D.C. 20250-1413