

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. D- 10 - 0066
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) Curtis Walton
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) d/b/a Walton Livestock,
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) Respondent
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) Complaint

There is reason to believe that Curtis Walton d/b/a Walton Livestock (hereinafter “Respondent”) 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”). Therefore, this complaint is issued alleging the following:

I.

(a) Respondent is an individual proprietor whose mailing address is P.O. Box 52, Lamar, Indiana 47550. Respondent’s operating address is 7380 East St. Road 70, Evanston, Indiana 47531.

(b) At all times material herein, Respondent engaged in the business of a dealer buying and selling livestock in commerce for his own account and for the account of others and as a market agency buying livestock on a commission basis.

II.

On July 28, 2008, the Packers and Stockyards Program notified Respondent¹ that he was operating subject to the Packers and Stockyards Act and that Respondent was required to be registered and bonded with the Secretary of Agriculture, and that continued operation without

¹ The Packers and Stockyards Program notified Respondent by letter dated July 23, 2008.

registration and bond was a violation of the Packers and Stockyards Act and regulations applicable to the Act. Forms and instructions for obtaining the necessary registration and bonding were enclosed with the letter. Respondent was notified that continued violations of the Act could result in the filing of a complaint against Respondent and in appropriate sanctions, including an order to cease and desist from the unlawful conduct, civil penalties of up to \$11,000 per violation, and suspension of any registration, if Respondent was found after opportunity for hearing to have violated the Act.

III.

Notwithstanding the notice to Respondent that he must be registered and bonded in order to lawfully operate subject to the Act, Respondent engaged in the business of purchasing livestock in commerce between August 2008 and November 2008 without obtaining the necessary registration and bond as required by the Act and the Regulations.

IV.

Respondent, between September 2008 and October 2008, marked up the purchase price of livestock and charged commission on the same livestock, obtaining both a dealer profit and a commission fee as a market agency buying on commission for the same livestock in the same transactions.

V.

Respondent failed to keep such records as fully and correctly disclosed all transactions involved in his business in that he failed to maintain bank statements for all accounts, copies of returned checks, debit/credit memos, deposit slips, voided checks, cancelled checks and/or check images, bank reconciliations for accounts, check registers, and outstanding checks.

VI.

By reason of the facts alleged in paragraphs II and III, Respondent has engaged in operations subject to the Act without being registered or bonded and 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 engaged in unfair and deceptive practices and has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a) and section 201.44 of the regulations (9 C.F.R. § 201.44).

By reason of the facts alleged in paragraph V herein, Respondent has willfully violated section 401 of the Act (7 U.S.C. § 221).

WHEREFORE, 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.

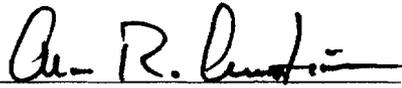
The Packers and Stockyards Program, GIPSA, requests:

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, requiring that Respondent not

engage in operations subject to the Act unless or until he is bonded as required by 7 U.S.C. § 204 of the Act, requiring that Respondent keep records as required by the Act and prescribing the manner and form such records shall be kept, and assessing such civil penalty, as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 23 day of December, 2009



Alan R. Christian
Deputy Administrator,
Packers and Stockyards Program



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