

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) P. & S. Docket No. 13- 0313  
Larry M. Lindsey, )  
 ) 13-0314  
 )  
Lindsey Cattle Company, Inc., )  
 )  
 )  
 )  
Respondents ) Complaint

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

I

(a) Lindsey Cattle Company, Inc., is, and at all times material herein was, a corporation organized and existing under the laws of the State of Florida. Respondent Lindsey Cattle Company, Inc. has a business operating address of 4019 SW County Road 232, Bell, FL, 32619 and a mailing address of P.O. Box 1479, Trenton, FL, 32693, and at all times material herein was:

(1) Engaged in the business of a market agency buying livestock in commerce on a commission basis; and

(2) Registered with the Secretary of Agriculture as a dealer and market agency buying livestock in commerce on a commission basis.

(b) Respondent Larry M. Lindsey, is, and at all times material herein, was, an individual with a business operating address of 4019 SW County Road 232, Bell, FL, 32619 and a mailing address of P.O. Box 1479, Trenton, FL, 32693, and:

(1) Sole owner of Respondent Lindsey Cattle Company, Inc.; and

(2) Responsible for the day to day direction, management and control of respondent Lindsey Cattle Company, Inc.

(c) Subsequent to the events that gave rise to these proceedings:

(1) On June 14, 2012, the bond of Respondent Lindsey Cattle Company, Inc. terminated;

(2) On October 19, 2012, the registration of Respondent Lindsey Cattle Company, Inc. expired; and

(3) Effective March 4, 2013, Respondent Larry M. Lindsey became registered with the Secretary of Agriculture as a market agency buying livestock in commerce on a commission basis.

## II

(a) On or about the dates and in the transactions described below, respondents purchased livestock and failed to pay, when due, for such livestock:

<u>Purchase Date</u>	<u>Purchased From</u>	<u>Livestock Amount</u>	<u>Due Date</u>	<u>Date Paid</u>
3/14/2012	Sumter Fair Association, Inc.	\$23,888.65	3/15/2012	4/19/2012
3/17/2012	Okeechobee Youth Livestock Show, Inc.	\$21,533.75	3/19/2012	5/3/2012
3/21/2012	Suwannee River Fair and Livestock Association, Inc.	\$177,062.93	3/22/2012	Partial Payment of \$15,000 on 8/28/2012 Partial Payment of \$12,788.51 on 11/1/2012

- (b) As of April 3, 2012, approximately \$149,274.42 remained unpaid by respondents for the March 21, 2012 livestock purchase, and, therefore, respondents failed to pay for such livestock.

### III

By reason of the facts alleged in paragraph II herein, respondents have willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b) and section 201.43 of the Regulations (9 C.F.R. § 201.43).

Respondents 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 proceedings under the Act (7 C.F.R. § 1.130 et seq.). 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 requests:

1. That unless the respondents fail to file an answer within the time allowed therefore, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and
2. That such order or orders be issued, including an order requiring the respondents to cease and desist from the violations found to exist, suspending the respondents as registrants under the Act and assessing such civil penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.,

this 2<sup>nd</sup> day of August, 2013

Susan B. Keith

Susan B. Keith

Deputy Administrator

Packers and Stockyards Programs

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