

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P & S Docket No. D-10-0239
American Beef Packers, Inc.,)
Respondent) Complaint and Notice of Hearing

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 therefore, this Complaint and Notice of Hearing is issued alleging the following:

I

(a) American Beef Packers, Inc., hereinafter referred to as "Respondent", is a corporation organized and existing under the laws of the State of California. Its business mailing address is 13677 Yorba Avenue, Chino, CA 91710.

(b) Respondent is and, at all times material herein, was:

(1) Engaged in the business of buying livestock in commerce for the purposes of slaughter and manufacturing or preparing meats or meat products for sale or shipment in commerce; and

(2) A packer within the meaning of and subject to the provisions of the Act.

II

(a) On or about the dates and in the transactions listed below, Respondent purchased livestock and failed to pay, within the time period required by the Act, the full purchase price of such livestock.

Purchase Date	Livestock Seller	No. of Head	Purchase and Payment Amount	Check Number	Date Payment Due per § 409(a)	Latter of Check Date or of Mailing or Hand Delivery of Held Check	Number of Days Late
6/10/09	Arizona Livestock	2	\$ 779.34	3339	6/11/09	6/24/09	13
6/10/09	Arizona Livestock	4	3,125.30	3339	6/11/09	6/24/09	13
6/11/09	Arizona Livestock	4	3,981.15	3354	6/12/09	6/24/09	12
6/12/09	Arizona Livestock	14	4,633.71	3389	6/15/09	6/26/09	11
6/19/09	Arizona Livestock	16	6,857.06	3459	6/22/09	7/03/09	11
4/17/09	Ben's Cow Service	3	1,324.65	2773	4/20/09	4/28/09	8
6/18/09	Ben's Cow Service	2	1,078.40	3447	6/19/09	6/24/09	5
6/18/09	Cattlemen's Livestock Market	18	7,971.91	3448	6/19/09	6/26/09	7
6/22/09	Cattlemen's Livestock Market	32	17,510.33	3470	6/23/09	6/30/09	7
4/15/09	Chino Livestock Market, Inc.	16	8,231.08	2567	4/16/09	4/28/09	12
4/16/09	Chino Livestock Market, Inc.	19	12,252.79	2600	4/17/09	4/28/09	11
4/20/09	Chino Livestock Market, Inc.	39	22,309.32	2646	4/21/09	4/30/09	9
4/21/09	Chino Livestock Market, Inc.	19	10,372.04	2659	4/22/09	4/30/09	8
4/22/09	Chino Livestock Market, Inc.	6	3,484.14	2731	4/23/09	4/30/09	7
4/23/09	Chino Livestock Market, Inc.	20	9,904.49	2743	4/24/09	5/4/09	10
4/27/09	Chino Livestock Market, Inc.	50	27,522.36	2763	4/28/09	5/4/09	6
4/28/09	Chino Livestock Market, Inc.	22	12,129.86	2778	4/29/09	5/11/09	12
4/29/09	Chino Livestock Market, Inc.	36	20,993.32	2801	4/30/09	5/11/09	11
4/30/09	Chino Livestock Market, Inc.	17	8,245.11	2820	5/1/09	5/6/09	5

Purchase Date	Livestock Seller	No. of Head	Purchase and Payment Amount	Check Number	Date Payment Due per § 409(a)	Latter of Check Date or of Mailing or Hand Delivery of Held Check	Number of Days Late
5/4/09	Chino Livestock Market, Inc.	49	\$27,748.70	2881	5/5/09	5/12/09	7
5/5/09	Chino Livestock Market, Inc.	19	11,038.70	2897	5/6/09	5/12/09	6
5/6/09	Chino Livestock Market, Inc.	22	12,413.96	2919	5/7/09	5/14/09	7
5/7/09	Chino Livestock Market, Inc.	8	4,419.39	2934	5/8/09	5/18/09	10
5/11/09	Chino Livestock Market, Inc.	58	34,125.42	2957	5/12/09	5/18/09	6
5/12/09	Chino Livestock Market, Inc.	23	12,558.48	2969	5/13/09	5/18/09	5
5/13/09	Chino Livestock Market, Inc.	22	12,415.66	2985	5/14/09	5/19/09	5
5/14/09	Chino Livestock Market, Inc.	17	6,389.78	3002	5/15/09	5/19/09	4
5/20/09	Chino Livestock Market, Inc.	73	39,007.14	3074	5/21/09	5/26/09	5
5/21/09	Chino Livestock Market, Inc.	40	20,425.79	3095	5/22/09	5/27/09	5
5/26/09	Chino Livestock Market, Inc.	46	22,835.24	3118	5/27/09	6/1/09	5
5/27/09	Chino Livestock Market, Inc.	44	23,069.84	3161	5/28/09	6/2/09	5
5/28/09	Chino Livestock Market, Inc.	15	7,221.60	3188	5/29/09	6/3/09	5
6/2/09	Chino Livestock Market, Inc.	13	6,458.20	3224	6/3/09	6/8/09	5
6/3/09	Chino Livestock , Market, Inc.	16	5,746.89	3237	6/4/09	6/8/09	4
6/4/09	Chino Livestock Market, Inc.	30	11,509.85	3273	6/5/09	6/10/09	5

Purchase Date	Livestock Seller	No. of Head	Purchase and Payment Amount	Check Number	Date Payment Due per § 409(a)	Latter of Check Date or of Mailing or Hand Delivery of Held Check	Number of Days Late
6/9/09	Chino Livestock Market, Inc.	37	\$17,498.05	3322	6/10/09	6/15/09	5
6/10/09	Chino Livestock Market, Inc.	20	8,625.23	3340	6/11/09	6/16/09	5
6/11/09	Chino Livestock Market, Inc.	30	13,293.46	3357	6/12/09	6/17/09	5
6/15/09	Chino Livestock Market, Inc.	35	16,803.32	3399	6/16/09	6/23/09	7
6/16/09	Chino Livestock Market, Inc.	19	7,609.83	3412	6/17/09	6/22/09	5
6/17/09	Chino Livestock Market, Inc.	21	9,445.82	3422	6/18/09	6/22/09	4
6/18/09	Chino Livestock Market, Inc.	12	5,528.06	3449	6/19/09	6/23/09	4
6/18/09	Dairymen's Beef Auction	48	21,463.42	3450	6/19/09	6/25/09	6
6/18/09	Dos Palos	21	13,065.11	3451	6/19/09	6/26/09	7
6/22/09	Dos Palos	48	30,435.86	3474	6/23/09	6/30/09	7
6/16/09	Eade Ranch Management	8	3,819.20	3414	6/17/09	6/24/09	7
6/12/09	Escalon Livestock Market	60	25,659.17	3391	6/15/09	6/24/09	9
6/13/09	Escalon Livestock Market	157	70,890.77	3390	6/15/09	6/24/09	9
6/15/09	Escalon Livestock Market	248	101,028.07	3402	6/16/09	6/24/09	8
6/19/09	Escalon Livestock Market	23	12,239.11	3461	6/22/09	6/29/09	7
6/22/09	Escalon Livestock Market	120	64,163.74	3475	6/23/09	6/30/09	7
4/15/09	Euclid Stockyards	24	10,284.65	2569	4/16/09	4/21/09	5
4/15/09	Euclid Stockyards	4	1,049.95	2635	4/16/09	5/7/09	21

Purchase Date	Livestock Seller	No. of Head	Purchase and Payment Amount	Check Number	Date Payment Due per § 409(a)	Latter of Check Date or of Mailing or Hand Delivery of Held Check	Number of Days Late
4/16/09	Euclid Stockyards	16	\$7,736.57	2603	4/17/09	4/28/09	11
4/16/09	Euclid Stockyards	1	441.82	2734	4/17/09	4/28/09	11
4/20/09	Euclid Stockyards	72	36,832.67	2649	4/21/09	4/29/09	8
4/21/09	Euclid Stockyards	23	13,015.79	2662	4/22/09	4/28/09	6
4/22/09	Euclid Stockyards	40	21,212.78	2733	4/23/09	4/29/09	6
4/22/09	Euclid Stockyards	4	1,307.25	2735	4/23/09	4/28/09	5
4/23/09	Euclid Stockyards	28	12,116.44	2746	4/24/09	5/5/09	11
4/27/09	Euclid Stockyards	71	39,737.94	2767	4/28/09	5/5/09	7
4/28/09	Euclid Stockyards	48	25,266.70	2780	4/29/09	5/7/09	8
4/29/09	Euclid Stockyards	60	30,985.74	2803	4/30/09	5/7/09	7
4/30/09	Euclid Stockyards	27	15,852.17	2823	5/1/09	5/11/09	10
5/4/09	Euclid Stockyards	48	25,781.27	2885	5/5/09	5/11/09	6
5/5/09	Euclid Stockyards	81	36,795.59	2899	5/6/09	5/11/09	5
5/6/09	Euclid Stockyards	8	3,144.17	2921	5/7/09	5/11/09	4
5/6/09	Euclid Stockyards	48	24,993.09	2922	5/7/09	5/11/09	4
5/7/09	Euclid Stockyards	48	22,208.54	2940	5/8/09	5/18/09	10
5/11/09	Euclid Stockyards	65	34,826.66	2961	5/12/09	5/18/09	6
5/12/09	Euclid Stockyards	39	19,611.79	2971	5/13/09	5/18/09	5
5/13/09	Euclid Stockyards	66	39,474.63	2987	5/14/09	5/18/09	4
5/13/09	Euclid Stockyards	21	9,031.36	2989	5/14/09	5/18/09	4
5/14/09	Euclid Stockyards	45	19,683.58	3004	5/15/09	5/22/09	7
5/19/09	Euclid Stockyards	51	24,753.65	3060	5/20/09	5/28/09	8
5/20/09	Euclid Stockyards	16	5,239.57	3076	5/21/09	5/28/09	7
5/20/09	Euclid Stockyards	58	30,331.08	3077	5/21/09	5/28/09	7
5/21/09	Euclid Stockyards	46	21,190.77	3097	5/22/09	5/28/09	6
5/26/09	Euclid Stockyards	127	57,518.03	3120	5/27/09	6/1/09	5

Purchase Date	Livestock Seller	No. of Head	Purchase and Payment Amount	Check Number	Date Payment Due per § 409(a)	Latter of Check Date or of Mailing or Hand Delivery of Held Check	Number of Days Late
5/27/09	Euclid Stockyards	43	\$20,089.76	3163	5/28/09	6/1/09	4
5/27/09	Euclid Stockyards	11	5,454.94	3164	5/28/09	6/1/09	4
6/1/09	Euclid Stockyards	65	29,727.64	3215	6/2/09	6/9/09	7
6/2/09	Euclid Stockyards	1	210.90	3227	6/3/09	6/9/09	6
6/2/09	Euclid Stockyards	40	17,032.28	3228	6/3/09	6/9/09	6
6/3/09	Euclid Stockyards	11	5,165.80	3239	6/4/09	6/9/09	5
6/3/09	Euclid Stockyards	12	5,129.35	3240	6/4/09	6/9/09	5
6/4/09	Euclid Stockyards	62	28,502.32	3275	6/5/09	6/9/09	4
6/8/09	Euclid Stockyards	46	22,431.36	3312	6/9/09	6/15/09	6
6/9/09	Euclid Stockyards	30	12,531.31	3324	6/10/09	6/15/09	5
6/10/09	Euclid Stockyards	39	17,624.76	3342	6/11/09	6/15/09	4
6/10/09	Euclid Stockyards	6	3,816.65	3343	6/11/09	6/15/09	4
6/11/09	Euclid Stockyards	40	13,707.51	3360	6/12/09	6/22/09	10
6/15/09	Euclid Stockyards	63	27,326.56	3403	6/16/09	6/22/09	6
6/17/09	Euclid Stockyards	19	7,435.43	3424	6/18/09	6/23/09	5
6/17/09	Euclid Stockyards	42	22,142.04	3425	6/18/09	6/22/09	4
6/16/09	Euclid Stockyards	29	11,198.09	3420	6/17/09	6/29/09	12
6/18/09	Euclid Stockyards	30	14,304.20	3452	6/19/09	6/23/09	4
6/22/09	Euclid Stockyards	93	45,014.18	3476	6/23/09	6/29/09	6
6/9/09	F&A Cattle Company	23	6,211.97	3415	6/10/09	6/17/09	7
6/10/09	F&A Cattle Company	7	4,926.60	3344	6/11/09	6/25/09	14
6/18/09	Farmers Livestock Market, Inc.	67	30,813.87	3453	6/19/09	6/26/09	7
6/11/09	Haringa Dairy, R&J	1	592.60	3364	6/12/09	6/24/09	12

Purchase Date	Livestock Seller	No. of Head	Purchase and Payment Amount	Check Number	Date Payment Due per § 409(a)	Latter of Check Date or of Mailing or Hand Delivery of Held Check	Number of Days Late
6/12/09	Martella Livestock Market	14	\$ 7,040.86	3392	6/15/09	6/25/09	10
6/15/09	Martella Livestock Market	22	10,251.81	3406	6/16/09	6/25/09	9
6/17/09	Martella Livestock Market	9	4,734.26	3426	6/18/09	6/25/09	7
6/19/09	Martella Livestock Market	43	20,260.85	3462	6/22/09	6/29/09	7
6/11/09	Mesquite Cattle Feeders, Inc.	24	11,179.62	3361	6/12/09	6/25/09	13
6/18/09	Overland Stockyards	74	41,808.49	3455	6/19/09	6/26/09	7
6/22/09	Overland Stockyards	107	66,264.30	3479	6/23/09	6/30/09	7
6/12/09	Producers Livestock - Madera	32	16,883.86	3394	6/15/09	6/25/09	10
6/16/09	Producers Livestock - Madera	28	11,717.07	3416	6/17/09	6/25/09	8
6/19/09	Producers Livestock - Madera	8	4,122.05	3463	6/22/09	6/29/09	7
6/19/09	Templeton Livestock Market	26	13,648.83	3464	6/22/09	6/29/09	7
4/15/09	Tiva Dairy	4	1,698.20	2757	4/16/09	4/27/09	11
6/18/09	Tulare Sales Yard	16	7,289.09	3456	6/19/09	6/25/09	6
6/22/09	Tulare Sales Yard	42	23,015.00	3485	6/23/09	6/30/09	7
6/12/09	Turlock Livestock	37	19,082.32	3395	6/15/09	6/25/09	10
6/16/09	Turlock Livestock	54	24,635.31	3418	6/17/09	6/25/09	8
6/19/09	Turlock Livestock	102	53,878.24	3465	6/22/09	6/30/09	8
6/22/09	Western Stockman's Market	20	10,767.73	3486	6/23/09	6/30/09	7

(b) During the 67 day period between April 15, 2009 and June 22, 2009, Respondent paid a total of \$2,151,751.48 between 4 and 21 days late in the above 120 transactions, which payments included \$2,138,367.60 for the purchase prices of 4,348 head of livestock, and \$13,383.88 for the payment of other obligations.

III

By reason of the facts alleged in paragraph II herein, Respondent has willfully violated Sections 202(a) and 409 of the Act (7 U.S.C. §§192(a), 228b).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has in fact willfully violated the Act, this Complaint and Notice of Hearing shall be served upon Respondent. Respondent shall have twenty (20) days after receipt of this Complaint and Notice of Hearing 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.). Failure to file an answer shall constitute an admission of all the material allegations of this Complaint and Notice of Hearing.

Respondent is hereby notified that unless hearing is waived, either expressly or by failure to answer and request a hearing, a hearing will be held in accordance with the Rules of Practice, at a place and time to be designated later. At the hearing, Respondent will have the right to appear and show cause why an appropriate Order should not be issued in accordance with the provisions of the Act which requires that Respondent cease and desist from violating the Act with respect to matters alleged herein and assesses such civil penalties as are authorized by the Act and

warranted under the circumstances.

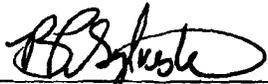
Done at Washington, D.C.

this 20 day of April, 2010


ALAN R. CHRISTIAN

Deputy Administrator,

Packers and Stockyards Program
Grain Inspection, Packers and Stockyards
Administration



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