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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

APR 27 1967

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|----------------|---|----------------------------|
| In re: |) | |
| |) | P & S Docket No. D-10-0294 |
| Daniel Murray, |) | |
| |) | |
| Respondent |) | 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) Daniel Murray (hereinafter "Respondent") is an individual. Respondent's business mailing address is his home address. In order to protect the personal privacy of Respondent, Complainant is not providing the Respondent's address in this Complaint, but Complainant has provided the address to the Hearing Clerk so that service can be effected.
- (b) Respondent, at all times material herein, was:
 - (1) Engaged in the business of buying and selling livestock in commerce for his own account as a dealer; and

(2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account, and as a market agency buying on commission.

II.

Respondent previously operated as a livestock dealer buying on commission for Melvin Koehler Inc. Murray was added as a cleeree on Melvin Koehler Inc.'s Trust Fund Agreement IL-232 effective May 10, 2007. Respondent was subsequently deleted as a cleeree on Melvin Koehler Inc.'s Trust Fund Agreement IL-232 effective November 23, 2007. As a result, on August 15, 2008, Murray was issued a certified Letter of Notice, indicating actions required to be taken in order to comply with the Packers and Stockyards Act and the regulations promulgated thereunder.¹ Specifically, the Letter of Notice advised Respondent to: (1) file a P&SP-1000 form, Application for Registration and (2) obtain a condition 2 bond or bond equivalent.

Notwithstanding such notice, Respondent continued to operate as a dealer buying on commission without a bond or bond equivalent from October 2008 through August 2009, in violation of the Act and the regulations, as set forth below:

| Purchase Date | No. of Head | Livestock Amount | Seller's Name | Purchased For | Commission Amount |
|---------------|-------------|------------------|---------------------------------|------------------------|-------------------|
| 10/6/2008 | 51 | \$60,131.71 | Lanesboro Sales Commission Inc. | Tyson Fresh Meats Inc. | \$164.94 |
| 10/20/2008 | 45 | \$47,692.28 | Lanesboro Sales Commission Inc. | Tyson Fresh Meats Inc. | \$139.34 |
| 11/10/2008 | 160 | \$189,139.44 | Lanesboro Sales Commission Inc. | Tyson Fresh Meats Inc. | \$539.94 |
| 11/24/2009 | 61 | \$63,897.51 | Lanesboro Sales Commission Inc. | Tyson Fresh Meats Inc. | \$198.48 |

¹ Respondent received this letter on August 18, 2009.

| | | | | | |
|------------|-----|--------------|---------------------------------|------------------------|----------|
| 12/1/2008 | 62 | \$67,945.97 | Lanesboro Sales Commission Inc. | Tyson Fresh Meats Inc. | \$202.85 |
| 12/22/2008 | 11 | \$11,340.89 | Lanesboro Sales Commission Inc. | Tyson Fresh Meats Inc. | \$35.73 |
| 6/8/2009 | 8 | \$9,079.48 | Lanesboro Sales Commission Inc. | Tyson Fresh Meats Inc. | \$60.43 |
| 6/8/2009 | 25 | \$26,428.26 | Lanesboro Sales Commission Inc. | Tyson Fresh Meats Inc. | \$88.50 |
| 6/22/2009 | 28 | \$26,664.93 | Lanesboro Sales Commission Inc. | Tyson Fresh Meats Inc. | \$86.01 |
| 7/13/2009 | 68 | \$70,680.96 | Lanesboro Sales Commission Inc. | Tyson Fresh Meats Inc. | \$225.31 |
| 7/13/2009 | 7 | \$4,801.90 | Lanesboro Sales Commission Inc. | Tyson Fresh Meats Inc. | \$41.98 |
| 7/27/2009 | 33 | \$35,773.14 | Lanesboro Sales Commission Inc. | Tyson Fresh Meats Inc. | \$110.83 |
| 7/27/2009 | 6 | \$6,753.29 | Lanesboro Sales Commission Inc. | Tyson Fresh Meats Inc. | \$43.13 |
| 8/24/2009 | 101 | \$105,534.52 | Lanesboro Sales Commission Inc. | Tyson Fresh Meats Inc. | \$330.70 |
| 8/31/2009 | 159 | \$168,569.06 | Lanesboro Sales Commission Inc. | Tyson Fresh Meats Inc. | \$485.36 |
| 8/31/2009 | 30 | \$34,946.69 | Lanesboro Sales Commission Inc. | Tyson Fresh Meats Inc. | \$233.20 |

III.

As of the date of the filing of this complaint, Respondent has not obtained a bond or bond equivalent, as required by the Act.

IV.

By reason of the facts alleged in paragraphs II and III, Respondent has engaged in operations subject to the Act without maintaining an adequate bond or bond equivalent and has

willfully violated section 312(a) of the Act (7 U.S.C. § 213) and section 201.29 of the regulations (9 C.F.R. § 201.29).

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, and assessing such penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 26 day of May, 2010



Alan R. Christian
Deputy Administrator,
Packers and Stockyards Program



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