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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P & S Docket No. D-10-458
)
Randall J. Unger d/b/a,)
Lake Area Livestock Marketing)
)
Respondent) Complaint

There is reason to believe that the Respondent named herein 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"), and therefore, this complaint is issued alleging the following:

I.

- (a) Randall J. Unger, doing business as Lake Area Livestock Marketing, hereinafter referred to as "Respondent," is an individual whose mailing address is Box 103, Watertown, South Dakota 57201.
- (b) At all times material herein, Respondent was:
 - (1) Engaged in the business of buying and selling livestock in commerce;
and
 - (2) Registered with the Secretary of Agriculture as a dealer buying and selling livestock; and

- (3) At all times material to this Complaint, operating as a dealer within the jurisdiction of the Secretary.

II.

On or about the dates and in the transactions listed below, Respondent issued checks in payment for livestock purchases which were returned unpaid by the bank upon which they were drawn. These checks were returned because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which the checks were drawn to pay the checks when presented.

SELLER	TRANSACTION DATE	NO. OF HEAD	PURCHASE AMOUNT	CHECK AMOUNT	CHECK NUMBER	RETURN DATE (S)
Aberdeen Livestock Sales Co.	11/24/08	84	\$62,809.39	\$62,809.39	5805	12/4/08
Hub City Livestock Auction, Inc.	11/26/08	128	\$101,187.16	\$101,187.16	5806	12/15/08 ¹
Olson Cattle Co.	11/21/08	90	\$53,106.78	\$52,564.58	5854	12/2/08
TOTALS		302	\$154,293.94	\$216,561.13		

III.

On the dates and in the transactions set forth in this paragraph, Respondent purchased livestock and failed to pay the full purchase price of the livestock.

SELLER	TRANSACTION DATE	NO. OF HEAD	PURCHASE AMOUNT
Aberdeen Livestock Sales Co.	11/24/08	84	\$62,809.39
Atkinson Livestock Market, LLC	11/21/08	55	\$47,248.19

¹ The check was returned for the first time on 12/5/2008.

	11/22/08	117	\$98,857.76
Bagley Livestock Exchange, Inc.	11/13/08	38	\$32,985.05
Cronin Farms	11/18/08	240	\$171,615.21
Herreid Livestock Auction	12/05/08	85	\$50,655.47
Hub City Livestock Auction, Inc.	11/26/08	128	\$101,187.16
Olson Cattle Co.	09/12/08	66	\$54,024.30
	09/24/08	119	\$101,337.39
	11/21/08	90	\$53,106.78
	11/25/08	198	\$129,422.20
	11/30/08	104	\$62,212.22
	12/02/08	98	\$54,721.20
Rudebusch, Danny	10/17/08	128	\$133,120.00
S&W Farms	09/24/08	180	\$189,017.01
Watertown Livestock Auction, Inc.	12/02/08	105	\$72,215.10
	Totals	1835	\$1,414,534.43

IV.

On December 12, 2008, Respondent filed a Voluntary Petition pursuant to Chapter 7 of the Bankruptcy Code (11 U.S.C. § 701 *et seq.*) in the United States Bankruptcy Court District of South Dakota. The petition was designated Case No. 08-10174.

Respondent, in its bankruptcy pleading and schedule, admitted that 7 of the 10 sellers listed in paragraph III of this complaint held unsecured claims for unpaid livestock debt. Respondent's bankruptcy pleading admitted that it owed \$1,098,738.05 to the 7 sellers.

Respondent did not allege in its Schedule F that any of the claims set forth therein are disputed. Appendix A attached and incorporated herein by reference, compares the amounts alleged to be due in this complaint to the amounts admitted by Respondent in its bankruptcy schedule.

V.

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

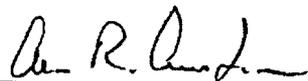
WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether Respondent has willfully violated the Act and the Regulations. Respondent shall have twenty (20) days after receipt of this complaint to file an answer with the Hearing Clerk, United 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.

Packers and Stockyards Program, GIPSA, requests:

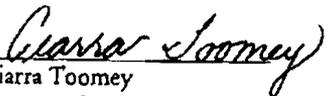
1. That unless Respondent fails to file an answer within the time allowed, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice; and
2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act found to exist, and assessing such civil penalty, as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 30 day of September, 2010



Alan R. Christian
Deputy Administrator,
Packers and Stockyards Program



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Appendix A

Seller	Bankruptcy Amount	Complaint Amount
Aberdeen Livestock Sales Co.	N/A	\$62,809.39
Atkinson Livestock Market, LLC	N/A	\$146,105.95
Bagley Livestock Exchange, Inc.	\$40,003.73	\$32,985.05
Cronin Farms	\$171,000.00	\$171,615.21
Herreid Livestock Auction	\$50,655.47	\$50,655.47
Hub City Livestock Auction, Inc.	N/A	\$101,187.16
Olson Cattle Co.	\$440,000.00	\$454,824.09
Rudebusch, Danny	\$133,000.00	\$133,120.00
S&W Farms	\$189,000.00	\$189,017.01
Watertown Livestock Auction, Inc.	\$75,078.85	\$72,215.10
TOTALS	\$1,098,738.05	\$1,414,534.43