

UNITED STATES DEPARTMENT OF AGRICULTURE
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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P&S Docket No. D- 11-0139
)
Vernon Black,)
)
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.*) (the Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) (the regulations), and therefore, this Complaint is issued alleging the following:

I.

(a) Vernon Black, referred to herein as the Respondent, is an individual whose business mailing address is his home address in the State of Wyoming. In order to protect the personal privacy of Respondent, that address is not included in this Complaint, but Complainant had provided the address to the Hearing Clerk so that service can be effectuated.

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

- (1) Engaged in the business of buying livestock in commerce on a commission basis; and
- (2) Not registered with the Secretary of Agriculture.

II.

On July 10, 2006, Respondent was notified by certified mail that the Packers and Stockyards Program had information indicating that Respondent was operating as a market agency without being registered and providing a bond. The letter referenced section 303 of the Act (7 U.S.C § 203) and sections 201.10 and 201.27 through 201.34 of the regulations (9 C.F.R §§ 201.10, 201.27 – 201.34) and notified Respondent of his obligation to register and secure a bond or bond equivalent. Notwithstanding such notice, Respondent continued to engage in the business of buying livestock in commerce on a commission basis without registering and maintaining an adequate bond as required by the Act and the regulations.

III.

On or about the dates and in the transactions set forth below, Respondent engaged in the business of a market agency buying cattle on commission without maintaining adequate bond or bond equivalent:

DATE OF PURCHASE	PURCHASED FROM	NO. HEAD	COMMISSION AMOUNT
05/26/2009	Riverton Livestock Riverton, WY	1	\$15.60
05/26/2009	Riverton Livestock	9	\$22.68
05/26/2009	Riverton Livestock	31	\$105.09
06/02/2009	Riverton Livestock	7	\$73.05
06/02/2009	Riverton Livestock	8	\$18.58
06/02/2009	Riverton Livestock	49	\$155.14
06/16/2009	Riverton Livestock	43	\$164.19

DATE OF PURCHASE	PURCHASED FROM	NO. HEAD	COMMISSION AMOUNT
06/16/2009	Riverton Livestock	15	\$36.18
06/30/2009	Riverton Livestock	2	\$5.10
06/30/2009	Riverton Livestock	78	\$271.86
07/14/2009	Riverton Livestock	7	\$18.18
07/14/2009	Riverton Livestock	18	\$75.08
07/28/2009	Riverton Livestock	8	\$33.81
08/11/2009	Riverton Livestock	5	\$24.85
08/11/2009	Riverton Livestock	12	\$29.80
08/11/2009	Riverton Livestock	58	\$171.92

IV.

By reason of the facts alleged in paragraphs II and III herein, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)), and section 201.29 of the regulations (9 C.F.R. § 201.29) by engaging in operations subject to the Act without maintaining an adequate bond or bond equivalent.

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. Respondent shall 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 in this Complaint.

Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, requests:

1. That unless Respondent fails to file an answer within the time allowed therefore, or files an answer admitting all the material allegations in this Complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued requiring Respondent to cease and desist from the violations found to exist and assessing such civil penalties as are authorized by the Act and warranted under the facts and circumstances of this case.

Done at Washington, D.C.

this 17 day of February 2011



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program



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