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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. D- 11-01 93
)
Clay Billingsley,)
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)
)
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) Clay Billingsley, hereinafter referred to as the Respondent, is an individual. Respondent's mailing address is a home address located in Texas, and will not be stated in this complaint to protect his privacy, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purposes of service of this complaint..

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

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

II

On May 21, 2009, Respondent was notified by personal service that the Packers and Stockyards Program had information indicating that Respondent was operating as a market agency without being registered and providing bond. The letter referenced §312 of the Act (7

U.S.C § 213) and section 201.29 of the Regulations (9 C.F.R § 201.29), and notified the Respondent of his obligation to register and to secure a bond or bond equivalent. The letter also stated that, unless Respondent provided proof of suitable bond or bond equivalent with the Packers and Stockyards Program, Respondent must discontinue all livestock operations for which bonding is required under the Act.

Notwithstanding such notice, Respondent continued to engage in the business of buying and selling livestock in commerce 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 without maintaining adequate bond or bond equivalent.

Summary of Livestock Transactions

Date of Purchase	Location of Sale Where Purchased	Number of Head Purchased	Commission Amount
09/02/09	Anderson County Livestock Auction Huntington, TX	37	\$122.34
09/04/09	Athens Commission Company Athens, TX	34	\$127.03
09/05/09	Emory Livestock Auction Emory, TX	52	\$134.19
09/08/09	Emory Livestock Auction	43	\$172.85
09/09/09	Anderson County Livestock Auction	35	\$ 98.19
09/11/09	Athens Commission Company	53	\$182.89
09/12/09	Emory Livestock Auction	52	\$151.96
09/14/09	Henderson Livestock Auction Henderson, TX	18	\$ 50.70

Date of Purchase	Location of Sale Where Purchased	Number of Head Purchased	Commission Amount
09/15/09	Emory Livestock Auction	36	\$121.79
09/18/09	Athens Commission Company	66	\$221.10
09/19/09	Emory Livestock Auction	60	\$199.37
09/21/09	Henderson Livestock Auction	34	\$ 97.38
09/22/09	Emory Livestock Auction	66	\$240.71
09/25/09	Athens Commission Company	54	\$174.86
09/26/09	Emory Livestock Auction	59	\$185.48
9/28/09	Henderson Livestock Auction	16	\$52.98
9/29/09	Emory Livestock Auction	49	\$182.81

IV

By reason of the facts alleged in paragraph III, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)), and sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§ 201.29, 201.30).

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:

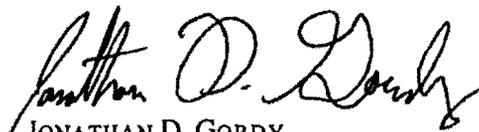
1. That unless Respondent fails to file an answer within the time allowed, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice; and

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 penalties as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 8 day of April, 2011

for 
ALAN R. CHRISTIAN
Deputy Administrator,
Packers and Stockyards Program


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