

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) P & S Docket No. D-11-0210  
)  
Clair Hull d.b.a. )  
Pioneer Specialty Foods, LLC, )  
)  
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 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 and Notice of Hearing is issued alleging the following:

I

- (a) Clair Hull d.b.a. Pioneer Specialty Foods, LLC (hereinafter Respondent) is a limited liability corporation organized and existing under the laws of the State of Colorado. Respondent's business mailing address is his home address. In order to protect the personal privacy of Respondent, Complainant is not providing 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 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

On or about the dates and in the transactions set forth in Appendix A, Respondent:

(a) purchased livestock and failed to pay, when due, the full purchase price of such livestock; and

(b) issued checks in partial payment for livestock purchases which were returned 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 such checks when presented.

## III

As of the date of the filing of this Complaint, Respondent has failed to pay Jake Longbrake and Leroy Beitelspacher in full for the two transactions referenced in Appendix A. Specifically, Respondent has failed to pay Jake Longbrake the remaining amount due of \$132,025.89 for livestock purchased on April 30, 2008 and has also failed to pay Leroy Beitelspacher the remaining amount due of \$11,201.14 for livestock purchased on April 30, 2008.

## IV

By reason of the facts alleged in paragraphs II and III herein, Respondent has willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§192(a) and 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 26 day of April, 2011

Alan R. Christian

Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Program

Brian Sylvester

Brian Sylvester, Esq.  
Attorney for Complainant  
U.S. Department of Agriculture  
Office of the General Counsel  
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Appendix A

Schedule of Failure to Pay within time period required by the Act for Livestock Purchases

Purchase Date	Seller's Name	Number of Head	Livestock Amount	Due Date	Check Date	Check Number	Payment Amount	Date Instrument Returned	Days Late Per Instrument Date
4/30/2008	Jake Longbrake	291	\$260,945.99	5/1/2008	6/20/2008	2555	\$33,338.96		50
4/30/2008				5/1/2008	7/18/2008	2627	\$48,727.64		78
4/30/2008				5/1/2008	8/13/2008	2693	\$46,853.50		104
4/30/2008				5/1/2008	9/5/2008	2752	\$39,947.10	9/12/2008	Unpaid due to insufficient funds
		291					\$128,920.10		

4/30/2008	Leroy Beltenspacher	178	\$166,145.54	5/1/2008	7/8/2008	2593	\$37,336.00		68
4/30/2008				5/1/2008	7/18/2008	2648	\$37,336.00		78
4/30/2008				5/1/2008	8/13/2008	2694	\$46,670.00	8/25/2008	Unpaid due to insufficient funds
4/30/2008				5/1/2008	9/5/2008	2751	\$33,602.40		127
4/30/2008				5/1/2008	9/10/2008	2778	\$46,670.00		132
4/30/2008				5/1/2008	5/27/2009	1289	\$7,000.00	6/4/2009	Unpaid due to insufficient funds
		178					\$154,944.40		