



## II.

In September, 2009, the respondent was notified by the Grain Inspection, Packers and Stockyards Administration (“GIPSA”), by certified mail, that GIPSA had information indicating that the respondent was operating as a market agency without providing a bond or its equivalent as required by the Act and regulations. The letter referenced section 312(a) of the Act (7 U.S.C. § 213) and section 201.29 of the regulations promulgated thereunder (9 C.F.R. § 201.29), and notified the respondent of his obligation to secure a bond or bond equivalent. The letter also stated that, unless the respondent had a bond or bond equivalent to secure the performance of his livestock obligations under the Act on or before October 24, 2009, the respondent must discontinue all livestock operations for which bonding is required under the Act. The letter informed the respondent that operating as a market agency without filing an adequate bond or bond equivalent is a violation of the Act and regulations and is subject to disciplinary action. Notwithstanding such notice, the respondent continued to engage in the business of buying livestock in commerce without maintaining an adequate bond or bond equivalent as required by the Act and the regulations.

## III.

From about October 26, 2009, through December 14, 2009, in approximately seventeen transactions at the Hubbard Livestock Market, LLC, involving a total of 490 head with a total purchase price of approximately \$223,196, the respondent engaged in the business of a market agency purchasing livestock in commerce on a commission basis without maintaining an adequate bond or bond equivalent.

#### IV.

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

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and regulations issued thereunder, this complaint shall be served upon the respondent. The respondent shall have twenty (20) days following receipt of this complaint to file an answer with the Hearing Clerk, Room 1031 - South Building, United States Department of Agriculture, 1400 Independence Ave., S.W., Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing the proceedings under the Act (7 C.F.R. §§ 1.130 *et seq.*). 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 in this complaint and a waiver of hearing.

The Grain Inspection, Packers and Stockyards Administration, Packers and Stockyards Program, requests:

- (1) That unless the 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 an order be issued requiring the respondent to cease and desist from the violations of the Act and the regulations found to exist and assessing civil penalties against the

respondent in accordance with the Act and as warranted by the facts and circumstances of this case.

Done at Washington, D.C.

this 28 day of September 2011



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Deputy Administrator  
Packers and Stockyards Program

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