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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-12-0167
)	
)	
Robert M. Self,)	
)	
)	
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.*) (Act), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) (regulations), and, therefore, this complaint is issued alleging the following:

I

(a) Robert M. Self (Respondent) is an individual. Respondent's mailing address is a home address, 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.

(b) At all times material herein, Respondent was:

1. Engaged in the business of a market agency purchasing livestock in commerce on a commission basis or engaged in the business of buying and selling livestock in commerce for his own account or for the account of others as a dealer;
2. Not registered as a dealer or market agency with the Secretary of Agriculture; and
3. Operating as a dealer or market agency within the jurisdiction of the Secretary.

II

In a Notice of Default, dated May 14, 2009, and personally served upon Respondent on August 18, 2009, the Western Regional Office of Complainant notified Respondent that he was operating subject to the Act and that he needed to file an application for registration and a bond or bond equivalent before he continued livestock operations. Notwithstanding the notice to Respondent that he must be registered and bonded in order to lawfully operate subject to the Act, on or about the dates and in the transactions set forth in Appendix A and incorporated herein by reference, Respondent engaged in the business of buying and selling livestock in commerce as a dealer or market agency without obtaining the necessary registration and bond as required by the Act and the regulations.

III

(a) Respondent, in connection with his operations subject to the Act, on or about the dates and in the transactions set forth in Appendix B and incorporated herein by reference, issued checks in payment for livestock purchases, which checks were returned unpaid by the bank upon which they were drawn 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.

(b) Respondent, in connection with his operations subject to the Act, on or about the dates and in the transactions set forth in Appendix C and incorporated herein by reference, failed to pay the full amount of the purchase price for livestock within the time period required by the Act.

IV

By reason of the facts alleged in paragraph II, Respondent has engaged in operations subject to the Act without maintaining an adequate bond and therefore 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).

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

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, requiring that Respondent not engage in

operations subject to the Act unless or until he is bonded as required by 7 U.S.C. § 204 of the Act, and assessing such civil penalty, as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 9 day of January, 2012



ALAN R. CHRISTIAN
Deputy Administrator
Packers and Stockyards Program

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Appendix A

**Robert M. Self
Schedule of Purchases and Sales/Commissions**

Purchase Date	No. of Head	Livestock Amount	Purchased From	Purchased For	Commission Amount
9/22/2009	33	\$15,886.28	Durant Stockyards	Caviness Beef Packers, LTD	\$182.65
9/21/2009	78	\$34,532.58	Atoka Livestock	Caviness Beef Packers, LTD	\$415.48
9/21/2009	18	\$6,287.88	Atoka Livestock	Robert Self	
9/19/2009	21	\$11,541.63	Caddo Livestock Auction	Caviness Beef Packers, LTD	\$127.75
9/19/2009	26	\$11,701.77	Caddo Livestock Auction	Robert Self	
9/18/2009	35	\$18,481.50	Hugo Livestock Market	Caviness Beef Packers, LTD	\$210.13
9/18/2009	14	\$4,990.20	Hugo Livestock Market	Robert Self	
9/14/2009	53	\$27,174.49	Atoka Livestock	Caviness Beef Packers, LTD	\$304.98
8/31/2009	48	\$27,646.69			\$291.10
8/24/2009	62	\$32,169.64			\$352.23

Sale/Invoice Date	No. of Head	Livestock Amount	Sold To
9/23/2009	41	\$18,923.22	L&H Packing Co.
9/29/2009	41	\$16,747.14	L&H Packing Co.

Appendix B

**Robert M. Self
Schedule of Checks Returned Unpaid for Livestock**

PURCHASED FROM	PURCHASE DATE	NO. OF HEAD	LIVESTOCK AMOUNT	CHECK DATE	CHECK NO.	CHECK AMT.	RETURN DATE
Atoka Livestock, LLC	4/20/2009	28	\$11,507.24	4/2/2009	2733	\$11,627.24	5/7/2009
				5/20/2009	2781		5/29/2009
Atoka Livestock, LLC	6/15/2009	20	\$6,159.45	6/22/2009	2801	\$6,279.45	6/25/2009
Atoka Livestock, LLC	6/22/2009	20	\$9,137.84	6/29/2009	2806	\$9,197.84	7/2/2009
				8/9/2009	2823		8/26/2009
Atoka Livestock, LLC	7/6/2009	5	\$2,744.13	7/6/2009	2808	\$2,804.13	7/16/2009
Atoka Livestock, LLC	7/27/2009	11	\$3,827.04	7/27/2009	2816	\$3,887.04	8/11/2009
				8/24/2009	2829		8/28/2009
Atoka Livestock, LLC	8/3/2009	15	\$5,036.15	8/3/2009	2820	\$5,096.15	8/13/2009
Atoka Livestock, LLC	8/10/2009	11	\$3,875.01	8/10/2009	2824	\$3,935.01	8/20/2009
Atoka Livestock, LLC	8/17/2009	9	\$2,930.09	8/17/2009	2826	\$2,990.09	8/27/2009
Atoka Livestock, LLC	8/17/2009	1	\$668.85	8/24/2009	2828	\$668.85	8/28/2009
Atoka Livestock, LLC	8/31/2009	13	\$5,861.52	Not Available	2831	\$5,921.52	9/11/2009
Atoka Livestock, LLC	9/14/2009	14	\$5,229.21	9/14/2009	2833	\$5,299.21	10/1/2009
Atoka Livestock, LLC	9/21/2009	18	\$6,287.88	9/21/2009	2834	\$6,347.88	10/8/2009
TOTALS		165	\$63,264.41			\$64,054.41	

Appendix C

Robert M. Self

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

Purchased From	No. of Head	Livestock Amount	Purchase Date	Due Date	Check Date	Check Amount	Date Returned	Days Late¹
Atoka Livestock, LLC	28	\$11,507.24	4/20/2009	4/21/2009	5/20/2009	\$11,627.24	5/27/2009	36
Atoka Livestock, LLC	20	\$6,159.45	6/15/2009	6/16/2009	6/22/2009	\$6,279.45	6/25/2009	9
Atoka Livestock, LLC	20	\$9,137.84	6/22/2009	6/23/2009	6/29/2009	\$9,197.84	7/2/2009	9
Atoka Livestock, LLC	5	\$2,744.13	7/6/2009	7/7/2009	7/6/2009	\$2,804.13	7/16/2009	9
Atoka Livestock, LLC	11	\$3,827.04	7/27/2009	7/28/2009	7/27/2009	\$3,887.04	8/11/2009	14
Atoka Livestock, LLC	15	\$5,036.15	8/3/2009	8/4/2009	8/3/2009	\$5,096.15	8/13/2009	9
Atoka Livestock, LLC	11	\$3,875.01	8/10/2009	8/11/2009	8/10/2009	\$3,935.01	8/20/2009	9
Atoka Livestock, LLC	1	\$668.85	8/17/2009	8/18/2008	8/24/2009	\$668.85	8/28/2009	10
Atoka Livestock, LLC	9	\$2,930.09	8/17/2009	8/18/2009	8/17/2009	\$2,990.09	8/27/2009	9
Totals	120	\$45,885.80				\$46,485.80		12.7

¹ *Days late calculated by using difference between the due date and the date the check was returned.