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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) P&S Docket № D-12-0170  
)  
)  
)  
Lloyd Nash, )  
)  
)  
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, therefore, this complaint is issued alleging the following:

I

- (a) Lloyd Nash (Respondent) is an individual whose mailing address is P.O. Box 3064, Cookeville, Tennessee 38502.
- (b) At all times material herein, Respondent was:
1. Engaged in the business of buying and selling livestock in commerce for his own account or the account of others as a dealer or as a market agency buying on commission; and
  2. Registered with the Secretary of Agriculture as a dealer buying and selling livestock and as a market agency buying on commission.

## II

In a certified Notice of Violation letter dated December 2, 2009, and served upon Respondent on or about December 7, 2009,<sup>1</sup> Respondent was informed that that his payment practices were not in conformity with the requirements of section 409 of the Act (7 U.S.C. § 228b) by failing to make payment for livestock purchases made at a Tennessee livestock market in a timely manner. Respondent was further informed that if he did not bring his operations into compliance with the Act that appropriate formal action would be taken.

## III

Notwithstanding such notice, on or about the dates and in the transactions set forth in Appendix A and incorporated herein by reference, Respondent purchased livestock and failed to pay, within the time period required by the Act, the full purchase price of such livestock.

## IV

By reason of the facts alleged in paragraphs II and 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

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<sup>1</sup> United States Postal Service Domestic Return Receipt for Article No. 7108 2133 393673174714 was signed for by Lloyd Nash's bookkeeper Linda La Sever.

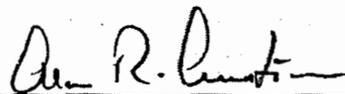
purpose of this proceeding. Failure to file an answer will constitute an admission of all the material allegations of this complaint.

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 civil penalties against Respondent as are authorized by the Act and warranted in the circumstances.

Done at Washington, D.C.

this 9 day of January, 2012



ALAN R. CHRISTIAN  
Deputy Administrator  
Packers and Stockyards Program

CIARRA A. TOOMEY  
Attorney for Complainant  
Office of the General Counsel  
United States Department of Agriculture  
Trade Practices Division  
1400 Independence Avenue, S.W.  
Room 2004, South Building  
Washington, D.C. 20250  
Telephone: (202) 720-3779

# Appendix A



## US Department of Agriculture Grain Inspection, Packers and Stockyards Administration Packers and Stockyards Program (P&SP)

Schedule of Failure to Pay within time period required by the Act for Livestock (V12-08-09)  
Entity Information

Investigation Date	Entity					DBA						
4/23/2010	Nash, Lloyd											
Purchase Date	Seller's Name	Number of Head	Livestock Amount	Other Charges	Total Invoice	Due Date	Date Deposited	Check Number	Check Date	Postmark Date on Payment Envelope	Payment Amount	Later of the Days Late Per Check Date or Postmark Date
1/12/2010	Athens Stockyard	19	\$10,307.40	\$86.85	\$10,374.25	1/13/2010	1/20/2010	9354	1/12/2010	1/15/2010	\$10,374.25	2
1/19/2010	Athens Stockyard	58	\$38,186.69	\$236.23	\$38,424.92	1/20/2010	2/1/2010	9444	1/20/2010	1/26/2010	\$38,424.92	6
1/21/2010	Athens Stockyard	22	\$13,716.84	\$86.10	\$13,802.94	1/22/2010	2/1/2010	9507	1/28/2010	1/29/2010	\$13,802.94	7
1/27/2010	Knoxville Livestock Auction Center	5	\$2,551.58	\$17.45	\$2,569.03	1/28/2010	2/4/2010	9515	1/27/2010	2/2/2010	\$2,569.03	5
2/2/2010	Peoples Stockyards	10	\$3,728.95	\$0.00	\$3,728.95	2/3/2010	2/16/2010	9558	2/4/2010	N/A	\$3,728.95	1
2/4/2010	Athens Stockyard	9	\$4,860.00	\$0.00	\$4,860.00	2/5/2010	2/17/2010	9625	2/7/2010	N/A	\$4,860.00	2
2/8/2010	Peoples Stockyards	28	\$16,792.37	\$0.00	\$16,792.37	2/9/2010	2/23/2010	9636	2/10/2010	N/A	\$16,792.37	1
2/10/2010	East Tennessee Livestock Center	44	\$19,737.52	\$0.00	\$19,737.52	2/11/2010	2/18/2010	9638	2/13/2010	2/18/2010	\$19,737.52	5
2/16/2010	Peoples Stockyards	11	\$5,553.70	\$0.00	\$5,553.70	2/17/2010	2/23/2010	9754	2/23/2010	N/A	\$5,553.70	8
2/17/2010	East Tennessee Livestock Center	69	\$32,831.19	\$0.00	\$32,831.19	2/18/2010	2/25/2010	9755	2/20/2010	2/23/2010	\$32,831.19	5
2/23/2010	Athens Stockyard	2	\$1,479.50	\$0.00	\$1,479.50	2/24/2010	3/3/2010	9798	2/26/2010	N/A	\$1,479.50	2
2/23/2010	Peoples Stockyards	47	\$22,242.11	\$0.00	\$22,242.11	2/24/2010	3/2/2010	9794	2/25/2010	N/A	\$22,242.11	1
2/24/2010	East Tennessee Livestock Center	69	\$30,056.29	\$0.00	\$30,056.29	2/25/2010	3/4/2010	9799	2/26/2010	3/2/2010	\$30,056.29	5
2/24/2010	Knoxville Livestock Auction Center	6	\$4,632.05	\$0.00	\$4,632.05	2/25/2010	3/4/2010	9800	2/26/2010	N/A	\$4,632.05	1
3/2/2010	Peoples Stockyards	43	\$20,716.28	\$0.00	\$20,716.28	3/3/2010	3/8/2010	5038	3/5/2010	N/A	\$20,716.28	2
3/8/2010	Peoples Stockyards	45	\$28,867.38	\$0.00	\$28,867.38	3/9/2010	3/15/2010	5110	3/10/2010	N/A	\$28,867.38	1
3/9/2010	Athens Stockyard	31	\$17,109.36	\$106.03	\$17,215.39	3/10/2010	3/17/2010	5112	3/10/2010	3/15/2010	\$17,215.39	5
3/10/2010	East Tennessee Livestock Center	80	\$34,291.89	\$0.00	\$34,291.89	3/11/2010	3/18/2010	5113	3/11/2010	3/16/2010	\$34,291.89	5
3/16/2010	Athens Stockyard	11	\$7,510.63	\$45.73	\$7,556.36	3/17/2010	3/24/2010	5161	3/18/2010	N/A	\$7,556.36	1
3/16/2010	Peoples Stockyards	53	\$24,944.50	\$0.00	\$24,944.50	3/17/2010	3/28/2010	5180	3/18/2010	N/A	\$24,944.50	1