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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P & S Docket No. D-12-0172
)
Darlington Livestock Market, Inc.,)
and)
Robert B. Robeson)
)
)
Respondents) Complaint

There is reason to believe that respondents have willfully violated the 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." Therefore, this Complaint is issued alleging the following:

I.

(a) Respondent Darlington Livestock Market, Inc. is a corporation organized under the laws of the State of South Carolina, with its principal place of business located at 1989 Harry Byrd Highway, Darlington, South Carolina 29532. Its mailing address is P.O. Box 206, Chesterfield, South Carolina 29709. The corporation's registered agent for service of process is Robert B. Robeson, 1989 Harry Byrd Highway, Darlington, South Carolina.

(b) Respondent Darlington Livestock Market, Inc., under the direction, management, and control of respondent Robert B. Robeson, is, and at all times material herein was:

- (i) Engaged in the business of conducting and operating Darlington Livestock Market, Inc., a stockyard posted under and subject to the provisions of the Act;
- (ii) Engaged in the business of selling livestock in commerce on a commission basis; and
- (iii) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis in commerce.

(c) Respondent Robert B. Robeson is an individual and his mailing address is P.O. Box 206, Chesterfield, South Carolina 29709. Respondent Robeson is, and at all times material herein was, the owner and President of respondent Darlington Livestock Market, Inc., and formulated, directed, and controlled the policies, practices and activities of respondent Darlington Livestock Market, Inc., including the acts and practices alleged in this complaint.

(d) Respondent Robert B. Robeson is engaged in the business of a market agency selling livestock on a commission basis in commerce.

II.

By letter dated April 13, 2000 and received on April 18, 2000 respondents were advised by the Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration that weighing livestock inaccurately was a violation of the

Packers and Stockyards Act and that similar discrepancies in the future would be cause for initiating administrative proceedings leading to sanctions, which may include suspension of respondents' registration under the Act.

III.

By written notice dated April 30, 2008 and received on May 5, 2008 respondents were advised by the Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration that the scale being used by respondent to weigh livestock for the purpose of purchase or sale of livestock was not installed, maintained, or operated to ensure accurate weights. The Notice of Violation stated that the respondents' conduct was in violation of section 312(a) of the Act (7 U.S.C. § 213) and sections 201.71 and 201.73-1 of the regulations (9 C.F.R. § 201.71 and .73-1), and that the failure to take immediate steps to correct the business practices occurring in violation of the Act may result in sanctions under the Act.

IV.

By written notice dated August 14, 2008 and received on August 25, 2008 respondents were again advised by the Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration that the scale being used by respondent to weigh livestock for the purpose of purchase or sale of livestock was not installed, maintained, or operated to ensure accurate weights. The Notice of Violation again advised respondents that respondents' conduct was in violation of section 312(a) of the Act (7 U.S.C. § 213) and sections 201.71 and 201.73-1) of the regulations (9 C.F.R.

§ 201.71 and .73-1), and that the failure to take immediate steps to correct the business practices occurring in violation of the Act may result in sanctions under the Act.

V.

(a) On or about January 22, 2009, in the transactions set forth below in paragraph (b), respondents sold livestock on commission at Darlington Livestock Market, Inc. located in Darlington, South Carolina and in connection therewith:

- (i) Failed to maintain his livestock scale so as to insure accurate weights;
- (ii) Weighed livestock at other than their true and correct weights;
- (iii) Paid the sellers of the livestock on the basis of the false and incorrect weights; and
- (iv) Issued accounts of purchase to the sellers of the livestock on the basis of the false and incorrect weights.

(b) Respondents sold on commission for the sellers named below, livestock which were then reweighed by personnel of the Packers and Stockyards Program. These transactions were as follows:

<u>Seller</u>	<u>No. Head</u>	<u>Sale Weight /pounds</u>	<u>Check Weight /pounds</u>
Sam Bradley	2	1075	1095
South Carolina Department of Corrections	17	8845	8895

VI.

By reason of the facts alleged in paragraphs II, III, IV and V herein, respondents have willfully violated section 312(a) of the Act (7 U.S.C. § 213) and sections 201.55 and 201.71 of the regulations thereunder, (9 C.F.R. §§ 201.55 and 201.71).

Wherefore, it is hereby ordered for the purpose of determining whether the respondents have willfully violated the Act and regulations issued thereunder, this complaint shall be served upon the respondents. The respondents shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing 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 of this Complaint.

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

1. That unless respondents fail to file an answer within the time allowed, or file 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 respondents to cease and desist from the violations of the Act and the regulations found to exist and assessing such civil penalties against respondents

as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 9 day of January, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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