

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USDA
OALJ/CHC
2012 JAN 12 PM 3:55

In re:)P&S Docket No. D-12-0175
)
Kopp's Turkey Sales, Inc.)
d/b/a Kopp's Turkeys, Inc.)
)
And)
)
Kevin Kopp)
)
Respondents)Complaint

RECEIVED

There is reason to believe that the Respondents Kopp's Turkey Sales, Inc. doing business as Kopp's Turkeys, Inc., and Kevin Kopp have willfully violated the provisions of the Packers & 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) Respondent Kopp's Turkey Sales, Inc. is a corporation organized under the laws of the State of Ohio which does business as Kopp's Turkeys, Inc., and which has its principal place of business located at 10964 Campbell Road, Harrison, Ohio, 45030.

(b) Respondent Kevin Kopp is an individual whose mailing address is 16216 Pumphouse Road, Brookville, Indiana, 47012.

(c) Respondent Kevin Kopp at all times material herein was:

(1) President of respondent Kopp's Turkey Sales, Inc.;

- (2) Owner of 100% of the stock issued by respondent Kopp's Turkey Sales, Inc.;
 - (3) Responsible for the direction, management and control of respondent Kopp's Turkey Sales, Inc.;
 - (4) By reason of the facts alleged herein, respondent Kevin Kopp is the *alter ego* of Kopp's Turkey Sales, Inc..
- (d) Respondents, at all times material to this complaint:
- (1) Engaged in the business of obtaining live poultry by purchase for the purpose of selling for slaughter by another;
 - (2) Obtained, sold and shipped poultry products in commerce; and
 - (3) Operated as a live poultry dealer subject to the provisions of the Act.

II.

On or about the dates and in the transactions set forth in Appendix A, respondents purchased live poultry in cash sales and failed to deliver, when due, the full amount due to the cash sellers on account of such poultry.

III.

By reason of the facts alleged in paragraphs I and II, respondents have willfully violated section 410 of the Act (7 U.S.C. § 228b-1).

WHEREFORE, it is hereby ordered that this Complaint shall be served upon the respondents for the purpose of determining whether respondents have willfully violated the Act. 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 12 day of January, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

Krishna Ramaraju
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
Room 2319
1400 Independence Avenue, S.W.
Washington, D.C. 20250-1400
Telephone: (202) 690-0672
Facsimile: (202) 690-4322
KRIS.RAMARAJU@OGC.USDA.GOV

Appendix A

Purchase Date	Seller's Name	Number of Turkeys Sold	Payment amount	Payment due Date per § 410	Payment Date
2/2/2009	Ag Forte	3,000	\$11,504.00	2/3/2009	3/11/2009
2/2/2009	John Burger	1,656	\$18,441.02	2/3/2009	3/11/2009
2/2/2009	Cooper Farms	1,584	\$3,624.03	2/3/2009	3/11/2009
2/3/2009	Ag Forte	3,000	\$11,532.80	2/4/2009	3/11/2009
2/3/2009	John Burger	2,208	\$31,965.60	2/4/2009	3/18/2009
2/4/2009	Cooper Farms	3,442	\$7,225.29	2/5/2009	3/11/2009
2/4/2009	Nicholas Turkey Farm	242	\$511.72	2/5/2009	3/11/2009
2/4/2009	Nicholas Turkey Farm	524	\$5,459.41	2/5/2009	3/11/2009
2/4/2009	Ag Forte	1,440	\$6,230.40	2/5/2009	3/11/2009
2/5/2009	Cooper Farms	3,392	\$7,294.28	2/6/2009	3/11/2009
2/5/2009	Nicholas Turkey Farm	962	\$2,447.06	2/6/2009	3/11/2009
2/5/2009	Ag Forte	1,440	\$6,262.40	2/6/2009	3/11/2009
2/6/2009	John Burger	2,016	\$35,019.02	2/9/2009	3/18/2009
2/6/2009	Ag Forte	3,168	\$11,827.20	2/9/2009	3/11/2009
2/7/2009	Nicholas Turkey Farm	373	\$879.56	2/9/2009	3/11/2009
2/7/2009	Nicholas Turkey Farm	393	\$992.53	2/9/2009	3/11/2009
2/7/2009	Nicholas Turkey Farm	289	\$890.56	2/9/2009	3/11/2009
2/7/2009	Nicholas Turkey Farm	252	\$1,417.79	2/9/2009	3/11/2009
2/8/2009	Nicholas Turkey Farm	854	\$2,654.41	2/9/2009	3/18/2009
2/8/2009	Nicholas Turkey Farm	508	\$1,264.23	2/9/2009	3/18/2009
2/8/2009	Nicholas Turkey Farm	260	\$727.65	2/9/2009	3/18/2009
2/8/2009	Nicholas Turkey Farm	708	\$3,020.60	2/9/2009	3/18/2009
2/9/2009	Cooper Farms	1,580	\$3,682.77	2/10/2009	3/18/2009
2/9/2009	Nicholas Turkey Farm	783	\$1,923.35	2/10/2009	3/18/2009
2/9/2009	Nicholas Turkey Farm	438	\$1,826.33	2/10/2009	3/18/2009
2/9/2009	Ag Forte	1,500	\$6,224.00	2/10/2009	3/18/2009
2/10/2009	John Burger	2,424	\$32,484.40	2/11/2009	3/18/2009
2/10/2009	Forrest Farms	2,880	\$6,596.28	2/11/2009	3/11/2009
2/11/2009	Forrest Farms	1,440	\$3,257.64	2/12/2009	3/11/2009
2/11/2009	Forrest Farms	720	\$1,593.45	2/12/2009	3/11/2009
2/11/2009	Nicholas Turkey Farm	356	\$3,781.69	2/12/2009	3/18/2009
2/11/2009	Nicholas Turkey Farm	799	\$1,799.27	2/12/2009	3/18/2009
2/11/2009	Nicholas Turkey Farm	102	\$410.19	2/12/2009	3/18/2009
2/11/2009	Ag Forte	1,500	\$5,858.40	2/12/2009	3/18/2009
2/12/2009	Cooper Farms	3,168	\$7,030.37	2/13/2009	3/18/2009
2/12/2009	Forrest Farms	2,160	\$4,649.94	2/13/2009	3/11/2009
2/13/2009	Ag Forte	1,480	\$5,728.00	2/16/2009	3/18/2009

2/13/2009	Ag Forte	1,500	\$6,115.20	2/16/2009	3/18/2009
2/13/2009	Ag Forte	288	\$1,174.08	2/16/2009	3/18/2009
2/16/2009	Cooper Farms	6,496	\$15,674.69	2/17/2009	3/18/2009
2/16/2009	Nicholas Turkey Farm	723	\$2,183.50	4/1/2009	4/1/2009
2/17/2009	John Burger	1,872	\$37,005.08	2/18/2009	3/26/2009
2/17/2009	Cargill Turkey Farm	350	\$1,689.04	2/18/2009	3/18/2009
2/17/2009	Cooper Farms	1,728	\$4,184.05	2/18/2009	3/18/2009
2/17/2009	Nicholas Turkey Farm	63	\$245.41	2/18/2009	4/1/2009
2/18/2009	Ag Forte	1,483	\$5,724.80	2/19/2009	3/18/2009
2/18/2009	Cargill Turkey Farm	350	\$1,507.28	2/19/2009	3/18/2009
2/18/2009	Nicholas Turkey Farm	962	\$1,840.96	2/19/2009	4/1/2009
2/18/2009	Nicholas Turkey Farm	530	\$1,634.38	2/19/2009	4/1/2009
2/18/2009	Perdue Farms	1,440	\$2,695.84	2/19/2009	3/18/2009
2/19/2009	Ag Forte	1,464	\$5,449.60	2/20/2009	3/18/2009
2/19/2009	John Burger	1,892	\$38,973.42	2/20/2009	3/26/2009
2/19/2009	Nicholas Turkey Farm	954	\$8,905.06	2/20/2009	4/1/2009
2/19/2009	Nicholas Turkey Farm	396	\$829.84	2/20/2009	4/1/2009
2/19/2009	Perdue Farms	1,584	\$3,049.60	2/20/2009	3/18/2009
2/20/2009	Ag Forte	2,945	\$10,886.40	2/23/2009	3/18/2009
2/20/2009	John Burger	1,776	\$35,232.24	2/23/2009	3/26/2009
2/20/2009	Nicholas Turkey Farm	350	\$648.01	2/23/2009	4/1/2009
2/20/2009	Nicholas Turkey Farm	653	\$1,259.17	2/23/2009	4/1/2009
2/20/2009	Nicholas Turkey Farm	546	\$1,199.99	2/23/2009	4/1/2009
2/23/2009	John Burger	1,008	\$19,011.03	2/24/2009	4/1/2009
2/23/2009	Cooper Farms	3,456	\$8,051.60	2/24/2009	4/1/2009
2/23/2009	Nicholas Turkey Farm	1,057	\$2,301.31	2/24/2009	4/1/2009
2/23/2009	Nicholas Turkey Farm	247	\$1,310.98	2/24/2009	4/1/2009
2/24/2009	John Burger	1,776	\$37,141.18	2/25/2009	4/1/2009
2/24/2009	Cooper Farms	1,728	\$4,213.17	2/25/2009	4/1/2009
2/24/2009	Janssen Farms	710	\$7,426.65	2/25/2009	4/1/2009
2/25/2009	Cooper Farms	1,270	\$3,123.35	2/26/2009	4/1/2009
2/25/2009	Forrest Farms	1,440	\$2,661.39	2/26/2009	4/1/2009
2/25/2009	Nicholas Turkey Farm	1,771	\$7,580.76	2/26/2009	4/1/2009
2/26/2009	John Burger	886	\$18,663.96	2/27/2009	4/1/2009
2/26/2009	Nicholas Turkey Farm	2,117	\$5,258.99	2/27/2009	4/1/2009
2/26/2009	Nicholas Turkey Farm	484	\$1,603.25	2/27/2009	4/1/2009
2/27/2009	John Burger	864	\$17,718.63	3/2/2009	4/1/2009
2/27/2009	Nicholas Turkey Farm	931	\$2,391.73	3/2/2009	4/1/2009
2/27/2009	Nicholas Turkey Farm	1,317	\$5,171.98	3/2/2009	4/1/2009
3/2/2009	Ag Forte	2,592	\$9,699.20	3/3/2009	4/15/2009
3/2/2009	Nicholas Turkey Farm	1,992	\$4,223.78	3/3/2009	4/15/2009
3/2/2009	Nicholas Turkey Farm	710	\$2,611.51	3/3/2009	4/15/2009
3/3/2009	Ag Forte	1,440	\$5,958.40	3/4/2009	4/15/2009
3/3/2009	John Burger	1,974	\$36,057.91	3/4/2009	4/1/2009
3/3/2009	Ag Forte	2,752	\$10,796.16	3/4/2009	4/15/2009
3/3/2009	Ag Forte	180	\$564.80	3/4/2009	4/15/2009
3/3/2009	Ag Forte	180	\$722.24	3/4/2009	4/15/2009
3/4/2009	Ag Forte	4,240	\$16,976.00	3/5/2009	4/15/2009
3/4/2009	Ag Forte	2,880	\$12,083.20	3/5/2009	4/15/2009
3/5/2009	Ag Forte	1,400	\$5,350.40	3/6/2009	4/15/2009
3/5/2009	John Burger	1,896	\$36,187.46	3/6/2009	4/15/2009

3/5/2009	Talley Farms	1,584	\$3,415.59	3/6/2009	4/1/2009
3/5/2009	Ag Forte	1,032	\$4,063.52	3/6/2009	4/15/2009
3/5/2009	Ag Forte	199	\$662.24	3/6/2009	4/15/2009
3/5/2009	Ag Forte	180	\$855.04	3/6/2009	4/15/2009
3/6/2009	Ag Forte	2,548	\$9,379.20	3/9/2009	4/15/2009
3/6/2009	John Burger	912	\$18,597.06	3/9/2009	4/15/2009
3/6/2009	Talley Farms	618	\$1,168.47	3/9/2009	4/1/2009
3/6/2009	Talley Farms	400	\$917.19	3/9/2009	4/1/2009
3/9/2009	Ag Forte	4,200	\$16,310.40	3/10/2009	4/29/2009
3/9/2009	Nicholas Turkey Farm	30	\$48.18	3/10/2009	4/15/2009
3/9/2009	Nicholas Turkey Farm	107	\$246.84	3/10/2009	4/15/2009
3/10/2009	Ag Forte	2,800	\$11,110.40	3/11/2009	4/29/2009
3/10/2009	John Burger	864	\$18,181.76	3/11/2009	4/15/2009
3/11/2009	Ag Forte	4,200	\$16,489.60	3/12/2009	4/29/2009
3/11/2009	Nicholas Turkey Farm	767	\$7,074.20	3/12/2009	4/15/2009
3/12/2009	Ag Forte	2,880	\$10,761.60	3/13/2009	4/29/2009
3/12/2009	John Burger	864	\$18,211.04	3/13/2009	4/15/2009
3/12/2009	Nicholas Turkey Farm	541	\$1,398.32	3/13/2009	4/15/2009
3/12/2009	Nicholas Turkey Farm	390	\$4,306.21	3/13/2009	4/15/2009
3/13/2009	Ag Forte	390	\$5,465.60	3/16/2009	4/15/2009
3/13/2009	John Burger	1,080	\$19,839.47	3/16/2009	4/29/2009
3/13/2009	John Burger	942	\$18,799.01	3/16/2009	4/29/2009
3/13/2009	Nicholas Turkey Farm	746	\$1,468.28	3/16/2009	4/15/2009
3/13/2009	Nicholas Turkey Farm	639	\$1,602.26	3/16/2009	4/15/2009
3/13/2009	Nicholas Turkey Farm	126	\$1,381.98	3/16/2009	4/15/2009
3/16/2009	Ag Forte	1,476	\$5,542.40	3/17/2009	5/6/2009
3/16/2009	Janssen Farms	1,470	\$1,999.69	3/17/2009	5/6/2009
3/16/2009	Nicholas Turkey Farm	946	\$2,342.12	3/17/2009	4/29/2009
3/16/2009	Nicholas Turkey Farm	238	\$409.75	3/17/2009	4/29/2009
3/16/2009	Nicholas Turkey Farm	369	\$1,081.08	3/17/2009	4/29/2009
3/16/2009	Perdue Farms	1,380	\$2,796.00	3/17/2009	4/29/2009
3/17/2009	Ag Forte	1,476	\$5,571.20	3/18/2009	5/6/2009
3/17/2009	John Burger	1,800	\$36,554.86	3/18/2009	4/29/2009
3/17/2009	Perdue Farms	1,500	\$2,487.44	3/18/2009	4/29/2009
3/18/2009	Ag Forte	2,934	\$11,100.80	3/19/2009	5/6/2009
3/18/2009	Cooper Farms	1,584	\$3,759.81	3/19/2009	4/29/2009
3/18/2009	Nicholas Turkey Farm	504	\$4,640.08	3/19/2009	4/29/2009
3/19/2009	Ag Forte	1,444	\$5,331.20	3/20/2009	5/6/2009
3/19/2009	Cooper Farms	1,584	\$3,775.91	3/20/2009	4/29/2009
3/19/2009	Nicholas Turkey Farm	120	\$205.04	3/20/2009	4/29/2009
3/19/2009	Nicholas Turkey Farm	792	\$3,063.50	3/20/2009	4/29/2009
3/19/2009	Nicholas Turkey Farm	1,472	\$3,858.08	3/20/2009	4/29/2009
3/20/2009	John Burger	1,776	\$36,887.75	3/23/2009	5/6/2009
3/20/2009	Cooper Farms	1,584	\$3,755.34	3/23/2009	4/29/2009
3/20/2009	Nicholas Turkey Farm	660	\$1,238.49	3/23/2009	4/29/2009
3/20/2009	Nicholas Turkey Farm	920	\$2,022.02	3/23/2009	4/29/2009
3/20/2009	Nicholas Turkey Farm	219	\$599.06	3/23/2009	4/29/2009
3/23/2009	Cooper Farms	3,168	\$7,558.08	3/24/2009	5/6/2009
3/24/2009	Forrest Farms	2,820	\$5,594.22	3/25/2009	5/6/2009
3/25/2009	Forrest Farms	4,320	\$9,309.60	3/26/2009	5/6/2009
3/26/2009	Cooper Farms	1,554	\$3,633.87	3/27/2009	5/6/2009

3/26/2009	Janssen Farms	1,848	\$2,799.51	3/27/2009	5/6/2009
3/26/2009	Nicholas Turkey Farm	415	\$1,658.91	3/27/2009	5/6/2009
3/27/2009	John Burger	1,647	\$36,522.90	3/30/2009	5/6/2009
3/27/2009	Nicholas Turkey Farm	458	\$1,007.93	3/30/2009	5/6/2009
3/27/2009	Nicholas Turkey Farm	154	\$404.47	3/30/2009	5/6/2009
3/27/2009	Nicholas Turkey Farm	223	\$1,948.97	3/30/2009	5/6/2009
3/30/2009	Nicholas Turkey Farm	820	\$2,551.34	3/31/2009	5/6/2009
3/30/2009	Nicholas Turkey Farm	60	\$184.69	3/31/2009	5/6/2009
3/30/2009	Perdue Farms	1,144	\$4,985.75	3/31/2009	5/13/2009
3/30/2009	Ag Forte	2,482	\$9,265.60	3/31/2009	5/6/2009
3/30/2009	Ag Forte	140	\$510.40	3/31/2009	5/6/2009
3/31/2009	John Burger	1,674	\$36,026.40	4/1/2009	5/6/2009
3/31/2009	Janssen Farms	1,864	\$2,904.58	4/1/2009	5/6/2009