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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-	12-0201
	)		
Albert J. Huizenga and	)		
	)		
Aaron M. Lancaster, d.b.a	)		
	)		
Beefco	)		
	)		
Respondents	)	Complaint	

There is reason to believe that the respondents named herein have willfully violated the Packers & Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181 *et seq.*) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. §§ 201.1 *et seq.*) and, therefore, this complaint is issued alleging the following:

I.

(a) Respondents Albert J. Huizenga and Aaron M. Lancaster are individuals, doing business as the partnership Beefco. The address will not be stated in the complaint to protect the privacy of Mr. Huizenga, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purposes of service of this complaint.

(b) Respondents Albert J. Huizenga and Aaron M. Lancaster, d.b.a. Beefco were at all times material herein:

(1) Engaged in the business of a livestock dealer buying and selling livestock in commerce for its own account;

(2) Registered with the Secretary of Agriculture as a livestock dealer buying and selling livestock in commerce and as a market agency buying livestock in commerce on a commission basis.

## II.

In September, 2010, the respondents were notified by the Western Regional Office, Grain Inspection, Packers and Stockyards Administration ("GIPSA"), by certified mail, that GIPSA had information indicating that the respondents had engaged in livestock transactions where they failed to pay for livestock by the close of the next business day and had issued checks in payment for livestock that were returned for non-sufficient funds causing payment to be delayed. The letter referenced sections 312(a) and 409 of the Act (7 U.S.C. §§ 213 and 228b) and section 201.43 of the regulations promulgated thereunder (9 C.F.R. § 201.43), and notified the respondents of their obligation to correct their business practices. The letter also stated that failure to comply with the Act may result in an administrative complaint filed against them.

## III.

Respondents, commencing on or about November 1, 2010, and continuing through January 20, 2011, in approximately 41 transactions, purchased livestock in the amount of approximately \$28,725 and failed to pay, when due, the full amount of the purchase prices within the time period required by the Act. Respondents' payments were made between approximately 1 and 7 days late. Respondents purchased the livestock from the following sellers: (1) Kevin Sterk; (2) OK Dairy; (3) DeVries Brothers (Maple Ville Dairy); (4) Van Dyke - S; (5) Allen Messman; (6) Art VanderWaal; (7) John Sterk; (8) Luke Vos; (9) TJ Veenacres; (10) Van Berkum & Sons Dairy; (11) Alan Sytsma; (12) Kent Erickson; (13) Lloyd Winterberg; (14) Blok

Brothers; (15) Harry Smit; (16) Vander Haak Dairy; (17) Jake Dykman; (18) Leon Zweegman; (19) Carey Hallberg; (20) Ron Rann; (21) John Van Berkum; (22) Edaleen Dairy; (23) Keith Roosma; and (24) John Steensma.

#### IV.

(a) On December 13, 2010, the respondents issued an insufficient funds check in the amount of \$10,556.23, to Everson Auction Market 1, LLC in payment for their livestock purchases made on December 11 and 13, 2010. On December 15, 2010, the respondents issued an insufficient funds check in the amount of \$6,934.92, to Everson Auction Market 1, LLC in payment for their livestock purchases made on December 15, 2010. On December 28, 2010, the respondents issued an insufficient funds check in the amount of \$3,555 to Art VanderWaal in payment for their livestock purchases made on December 20, 2010. The respondents thus failed to have and maintain sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented.

(b) By issuing insufficient funds checks on the dates referenced in paragraph IV(a) of this complaint, the respondents also failed to pay, when due, the full amount of the livestock purchase prices within the time period required by the Act.

#### V.

By reason of the facts alleged in paragraphs II through IV, the respondents have willfully violated section 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and regulations issued thereunder, this

complaint shall be served upon the respondent. The respondents 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.

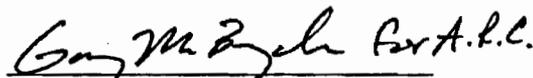
The Grain Inspection, Packers and Stockyards Administration, Packers and Stockyards Program, requests:

(1) That unless the 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 an order be issued requiring the respondents 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 25 day of January, 2012

  
Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Program

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