

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Big Dan's Trucking, Inc.,

Respondent

) P&S Docket No. **D 120205**
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) **Complaint**

There is reason to believe that the Respondent named herein has willfully violated the provisions of the Packers & Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181-229) (the Act), and the regulations promulgated under the Act by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) (the regulations), and, therefore, this Complaint is issued alleging the following:

I.

(a) Big Dan's Trucking, Inc., referred to herein as the Respondent, is a corporation organized and existing under the laws of the State of Minnesota. Its business mailing address is 18457 Bethany Drive, Altura, MN 55910.

(b) Respondent is, and at all times material herein was:

1. Engaged in the business of buying and selling livestock in commerce; and

2. Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce.

II.

On or about the dates and in the transactions set forth below, Respondent purchased cattle on estimated carcass weights, rather than actual carcass weights:

Pickup Date	Customer Name	Back Tag No.	Actual Carcass Weight	Processor	Estimated Carcass Weight	Difference Between Estimated and Actual Weights	Carcass Purchase Price per CWT	Producer Loss
1/5/10	Shea Dairy, Inc.	1348	652	VPP Group	509	-143	\$50.00	\$71.50
1/21/10	Steve Matthees	1184	656	Abbyland	532	-124	\$60.00	\$74.40
1/21/10	Steve Matthees	1185	594	VPP Group	509	-85	\$60.00	\$51.00
1/21/10	Johnson's Rolling Acres, Inc.	1222	555	VPP Group	451	-104	\$50.00	\$52.00
1/28/10	Shea Dairy	1230	468	VPP Group	444	-24	\$50.00	\$12.00
1/28/10	Hidden Hill Dairy	1231	501	VPP Group	407	-94	\$40.00	\$37.60
2/1/10	Matt Wangen	1441	367	VPP Group	325	-42	\$50.00	\$21.00
2/1/10	Brad Voth	1233	378	Abbyland	315	-63	\$45.00	\$28.35
2/1/10	Brad Voth	1234	347	VPP Group	301	-46	\$45.00	\$20.70
2/1/10	Eric Nelson	1504	474	VPP Group	402	-72	\$50.00	\$36.00
2/8/10	Brad Voth	1242	575	VPP Group	460	-115	\$60.00	\$69.00
2/8/10	Brad Voth	1243	530	Abbyland	456	-74	\$60.00	\$44.40
2/8/10	Bill Selke	1512	438	Abbyland	329	-109	\$30.00	\$32.70
2/10/10	Eric Nelson	1515	473	Abbyland	390	-83	\$50.00	\$41.50
2/11/10	Dave Schultz	1064	328	VPP Group	244	-84	\$50.00	\$42.00
2/11/10	Dave Schultz	1065	610	VPP Group	460	-150	\$60.00	\$90.00
2/23/10	Steve Ellinghuysen	1542	561	Abbyland	486	-75	\$60.00	\$45.00
2/23/10	Schwartau Farms	1534	615	Abbyland	527	-88	\$60.00	\$52.80
2/23/10	Schwartau Farms	1535	350	VPP Group	315	-35	\$50.00	\$17.50

Pickup Date	Customer Name	Back Tag No.	Actual Carcass Weight	Processor	Estimated Carcass Weight	Difference Between Estimated and Actual Weights	Carcass Purchase Price per CWT	Producer Loss
2/23/10	Schwartau Farms	1536	637	Abbyland	494	-143	\$50.00	\$71.50
2/25/10	White Rock Dairy	1544	438	Abbyland	412	-26	\$50.00	\$13.00
2/25/10	White Rock Dairy	1545	517	Abbyland	407	-110	\$50.00	\$55.00
2/25/10	Reiland Farms	1269	600	VPP Group	548	-52	\$70.00	\$36.40
3/2/10	Ken Schrimpf	1481	437	Abbyland	374	-63	\$60.00	\$37.80
3/16/10	Dave Ahlers	1574	552	Abbyland	436	-116	\$70.00	\$81.20
3/22/10	Tony Hammel	1619	510	Abbyland	506	-4	\$60.00	\$2.40
3/22/10	Tony Hammel	1620	551	Abbyland	423	-128	\$60.00	\$76.80
3/23/10	Mylan Hart	1625	516	Abbyland	452	-64	\$60.00	\$38.40
Totals:						-2,295		\$1,247.65

III.

On or about the dates and in the transactions set forth below, Respondent purchased cattle on false carcass weights:

Pickup Date	Customer Name	Back Tag No.	Big Dan's Carcass Weight	Actual Carcass Weight	Carcass Price Per CWT	Difference Between Big Dan's Weight and Actual Weight	Producer Loss
1/4/2010	White Rock Dairy	1310	441	471	\$40.00	-30	\$12.00
1/5/2010	Wayne Evers	1345	422	482	\$40.00	-60	\$24.00
1/5/2010	Marshman Brothers	1350	405	425	\$30.00	-20	\$6.00

Pickup Date	Customer Name	Back Tag No.	Big Dan's Carcass Weight	Actual Carcass Weight	Carcass Price Per CWT	Difference Between Bid Dan's Weight and Actual Weight	Producer Loss
1/5/2010	Bill Rowekamp	1344	504	534	\$40.00	-30	\$12.00
1/11/2010	Rumpus Ridge Farm	4695	607	637	\$50.00	-30	\$15.00
1/12/2010	Warren Nolt	1169	509	569	\$40.00	-60	\$24.00
1/15/2010	Lowell Schaefer	1339	407	467	\$40.00	-60	\$24.00
1/18/2010	McNallan Farms	1217	608	658	\$50.00	-50	\$25.00
2/12/2010	McNallan Farms	1521	608	680	\$50.00	-72	\$36.00
2/12/2010	McNallan Farms	1522	513	553	\$50.00	-40	\$20.00
2/12/2010	Dean Sanders	1523	504	540	\$40.00	-36	\$14.40
2/15/2010	Lester Banse	1452	427	457	\$50.00	-30	\$15.00
2/26/2010	McNallan Farms	1270	505	525	\$40.00	-20	\$8.00
2/26/2010	McNallan Farms	1271	701	751	\$60.00	-50	\$30.00
2/26/2010	McNallan Farms	1272	412	482	\$60.00	-70	\$42.00
3/1/2010	Privet Farms, LLC	1274	409	449	\$40.00	-40	\$16.00
3/3/2010	Hil-Ray Farms	1555	517	597	\$40.00	-80	\$32.00
3/4/2010	Johnson Rolling Acres	1285	604	640	\$50.00	-36	\$18.00
3/26/2010	Alberts Brothers, LLC	1592	405	425	\$40.00	-20	\$8.00
3/26/2010	Terry Mathews	1591	507	547	\$40.00	-40	\$16.00
Totals:						-874	\$397.40

IV.

On or about the dates and in the transactions set forth below, Respondent failed to make timely payment, as required by section 409 of the Act (7 U.S.C. § 228b), for livestock purchases:

Purchase Date	Seller's Name	Purchase Type	No. of Head	Invoice Amount	Due Date	Payment Date	Days Late Per Check Date
1/5/10	Shea Dairy	Live	1	\$218.50	1/6/10	1/28/10	22
1/21/10	Steve Matthees	Live	2	\$572.60	1/22/10	2/8/10	17

Purchase Date	Seller's Name	Purchase Type	No. of Head	Invoice Amount	Due Date	Payment Date	Days Late Per Check Date
1/21/10	Johnson Rolling Acres	Live	1	\$149.50	1/22/10	2/8/10	17
1/28/10	Shea Dairy	Live	1	\$186.00	1/29/10	2/8/10	10
2/9/10	Brad Voth	Live	2	\$492.60	2/10/10	2/25/10	15
2/9/10	Bill Selke	Live	2	\$265.20	2/10/10	2/25/10	15
2/11/10	Dave Schultz	Live	2	\$341.00	2/12/10	2/25/10	13
2/23/10	Steve Ellinghuysen	Live	1	\$261.80	2/24/10	3/9/10	13
2/23/10	Schwartau Farms	Live	3	\$652.70	2/24/10	3/9/10	13

V.

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

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

WHEREFORE, it is hereby ordered that this Complaint shall be served on Respondent for the purpose of determining whether Respondent has willfully violated the Act. Respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §1.130 *et seq.*; hereinafter the "Rules of Practice"). Failure to file an answer shall constitute an admission of all the material allegations of this Complaint.

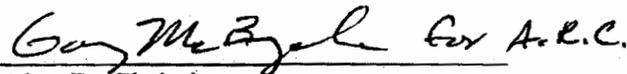
The Packers and Stockyards Program, GIPSA requests:

1. That unless Respondent fails to file an answer within the time allowed therefore, 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 governing proceedings under the Act.

2. That an order be issued requiring Respondent to cease and desist from the violations found to exist, suspending Respondent's registration under the Act, and assessing such civil penalties as are authorized and warranted under the circumstances.

Done at Washington, D.C.

this 26 day of January 2012



Alan R. Christian
Deputy Administrator,
Packers & Stockyards Program

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