

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. D-12- 0206
)
Golden West Cattle Co., LLC, and)
Michael Kastner)
)
)
Respondents) Complaint and Notice of Hearing

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

I

1. Golden West Cattle Co., LLC, (Respondent Golden West), is a Colorado limited liability company with a mailing address of 4810 Newport Street, Commerce City, CO 80022. The limited liability company's registered agent in Colorado is: Michael Kastner, 721 Nichols Blvd., Colorado Springs, CO 80907.
2. At all times material herein, Respondent Golden West was:
 - a. Engaged in the business of buying livestock in commerce for the purpose of slaughter, and of manufacturing or preparing meats or meat products for sale or shipment in commerce; and
 - b. A packer within the meaning of, and subject to the provisions of, the Act.

3. Michael Kastner (Respondent Kastner) is an individual whose current mailing address is 721 Nichols Blvd., Colorado Springs, CO 80907.
4. At all times material herein, Respondent Kastner was:
 - a. One hundred percent owner of Respondent Golden West;
 - b. President of Respondent Golden West;
 - c. Responsible for the direction, management, and control of Respondent Golden West;
 - d. A packer within the meaning of, and subject to the provisions of, the Act; and
 - e. The alter-ego of Respondent Golden West.

II

(a) Respondent Golden West, under the direction, management, and control of Respondent Kastner, in connection with its operations subject to the Act, on or about the dates and in the transactions listed below, issued checks in payment for livestock purchases, which checks were returned unpaid by the bank upon which they were drawn because Respondent Golden West did not have and maintain sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented.

Purchase Date	Seller's Name	No. of Head	Livestock Amount	Due Date	Check Date	Check No.	Check Amount
6/28/2010	Greg Kroupa	48	\$14,673.00	6/29/2010	7/9/2010	2114	\$14,673.00

(b) Respondent Golden West, under the direction, management, and control of Respondent Kastner, in connection with its operations subject to the Act, in the transactions listed below, purchased livestock and failed to pay the full amount of the purchase price for such livestock within the time period required by the Act.

Seller's Name	Purchase Date	No. of Head	Livestock Amount	Due Date	Payment Instrument No.	Date Paid	Days Late
Jim Bamford	6/21/2010	40	\$16,562.75	6/22/2010	1105	08/24/10	63
Greg Kroupa	6/28/2010	48	\$14,673.00	6/29/2010	2114	08/23/10	55
					2121		

III

By reason of the facts alleged in paragraph II, Respondents have willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(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 Respondents have, in fact, willfully violated the Act, this complaint and notice of hearing shall be served upon Respondents. Respondents shall have twenty (20) days after receipt of this Complaint and Notice of Hearing in which to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, DC 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.*) (Rules of Practice). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer shall constitute an admission of all the material allegations of this complaint and notice of hearing unless the parties have agreed to a consent decision pursuant to section 1.138 of the Rules of Practice (7 C.F.R. § 1.138). Respondents are hereby notified that unless hearing is waived, either expressly or by failure to answer and request a hearing, a hearing will be held in accordance with the Rules of Practice, at a time and place to be designated later. At the hearing, Respondents will have the right to appear and show cause why an appropriate order should not be issued in accordance with

the provisions of the Act requiring that Respondents cease and desist from violating the Act with respect to matters alleged herein and assessing such civil penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 26 day of January, 2012

Alan R. Christian for A.R.C.

Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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