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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P & S Docket No. D- 12-0304
)
Bobby T. Tindel,)
)
Respondent)
)
) Complaint

There is reason to believe that the Respondent named herein has willfully violated the Packers and 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) Bobby T. Tindel, herein referred to as Respondent, is an individual. Respondent's business mailing address is: P.O. Box 53, Chandler, TX 75758.

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

- (1) Engaged in business as a market agency buying on commission; and
- (2) Not registered, as required, as a market agency buying on commission, with

the Secretary of Agriculture.

II

On January 3, 2007, the Grain Inspection Packers & Stockyards Administration of the United States Department of Agriculture (GIPSA) sent a letter to Respondent, via certified mail, notifying Respondent that his surety bond maintained in connection with his operation subject to the Act would terminate on March 02, 2007.¹ The letter stated that unless Respondent obtained a

¹ The certified mail-return receipt for this letter was 7006 0810 0005 2551 1472; the mail-return receipt shows that this letter was received and signed for by Respondent.

new bond or bond equivalent securing the performance of his livestock obligations on or before March 02, 2007, Respondent would have to discontinue all livestock operations for which bonding is required under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181-229). The letter specifically stated that, "continuing such operations is considered a violation of the Act and regulations issued thereunder and may subject [Respondent] to disciplinary action under the Act (7 U.S.C. §§ 192 (packers), 204, 213(a) (market agencies and dealers) and 9 C.F.R. §§ 201.29-201.30)." Notwithstanding such notice, on or about the dates and in the transactions set forth in Appendix A, Respondent engaged in the business of a market agency buying on commission without maintaining an adequate bond or bond equivalent.

III

By reason of the facts alleged in paragraph II of the Complaint, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 192) and section 201.29 of the Regulations (9 C.F.R § 201.29).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the Respondent has in fact willfully violated the Act, this Complaint shall be served upon the Respondent. The 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 proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

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

1. That unless the Respondent fails to file an answer within the time allowed therefor, 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; and
2. That such order or orders be issued, including an order requiring the Respondent to cease and desist from the violations found to exist, and assessing such civil penalties as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 27 day of March 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

BRIAN SYLVESTER
Attorney for Complainant
U.S. Department of Agriculture
Office of the General Counsel
1400 Independence Ave, SW, Room 2319
Washington, D.C. 20250

Appendix A

Schedule of Purchases/Commissions

Purchase Date	No. Head Purchased	Livestock Amount	Seller / Purchased From	Purchased For	Commission Amount (if applicable)
4/10/2010	9	\$6,158.44	Tri-County Livestock Market, Inc.	O & S Cattle Company	\$165.60
4/24/2010	10	\$7,471.41	Tri-County Livestock Market, Inc.	O & S Cattle Company	\$183.23
5/1/2010	4	\$3,256.95	Tri-County Livestock Market, Inc.	O & S Cattle Company	\$88.58
8/14/2010	11	\$8,347.33	Tri-County Livestock Market, Inc.	O & S Cattle Company	\$226.58
8/21/2010	10	\$7,290.08	Tri-County Livestock Market, Inc.	O & S Cattle Company	\$195.98
8/23/2010	16	\$11,397.43	Henderson Livestock Auction, Inc.	O & S Cattle Company	\$301.58
8/26/2010	7	\$5,472.13	Longview Livestock Comm., Inc.	O & S Cattle Company	\$138.07
9/3/2010	15	\$9,968.36	Athens Commission Company, Inc.	O & S Cattle Company	\$95.23
9/4/2010	11	\$7,524.36	Tri-County Livestock Market, Inc.	O & S Cattle Company	\$211.28
9/9/2010	17	\$11,592.46	Longview Livestock Comm., Inc.	O & S Cattle Company	\$320.25
9/10/2010	22	\$16,644.77	Athens Commission Company, Inc.	O & S Cattle Company	\$149.98
9/11/2010	35	\$27,283.39	Tri-County Livestock Market, Inc.	O & S Cattle Company	\$241.23
9/17/2010	42	\$25,109.90	Athens Commission Company, Inc.	O & S Cattle Company	\$248.58
9/20/2010	18	\$11,504.47	Henderson Livestock Auction, Inc.	O & S Cattle Company	\$116.28