

USDA
CALIFORNIA

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

FILED

In re:)
) P & S Docket No. D-12- 0034
)
Michael T. Godberson,)
)
)
)
)
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) Michael T. Godberson, hereafter referred to as Respondent, is an individual. Respondent's business mailing address is his home address. In order to protect the personal privacy of Respondent, Complainant is not providing the Respondent's address in this Complaint, but Complainant has provided the address to the Hearing Clerk so that service can be effected.

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

- (1) Engaged in the business of buying and selling livestock in commerce on a commission basis; and
- (2) not registered, as required, as a dealer buying and selling livestock in commerce on a commission basis, with the Secretary of Agriculture.

II

On or about August 23, 2007, Respondent was notified by certified mail that the Packers and Stockyards Program had made Respondent's registration with the Packers and Stockyards

Program inactive, effective August 22, 2007, due to information provided in his December 21, 2006 annual report. The letter noted that since Respondent's registration was now inactive, he was no longer required to maintain his Trust Agreement No. OK-183 in the amount of \$10,000.00. However, Respondent was advised that if, at some future date, he decided to operate subject to the Act, he would need to file an application for registration and a bond or its equivalent with the Packers and Stockyards Program.

III

On or about the dates and in the transactions set forth in Appendix A, Respondent engaged in the business of a dealer without maintaining an adequate bond or bond equivalent.

IV

On or about the dates and in the transactions set forth in Appendix B, Respondent purchased livestock and failed to pay, when due, the full purchase price of such livestock.

V

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

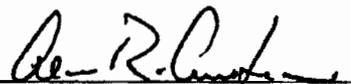
Packers and Stockyards Program, Grain Inspection, Packers and Stockyards

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 19 day of October 2011



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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

Appendix A

Operating without Registration or Financial Instrument

Purchase Date	No. Head Purchased	Livestock Amount	Seller / Purchased From	Purchased For	Commission Amount (if applicable)
2/19/2010	169	\$100,999.90	Ouachita Livestock Market, LLC	Mike Godberson	
2/26/2010	88	\$49,258.92	Ouachita Livestock Market, LLC	Mike Godberson	
3/12/2010	106	\$48,174.28	Ouachita Livestock Market, LLC	Mike Godberson	
3/28/2010	118	\$70,117.74	Ouachita Livestock Market, LLC	Mike Godberson	
4/2/2010	84	\$43,910.22	Ouachita Livestock Market, LLC	Mike Godberson	
4/9/2010	73	\$43,043.03	Ouachita Livestock Market, LLC	Mike Godberson	
4/16/2010	82	\$47,043.40	Ouachita Livestock Market, LLC	Mike Godberson	
4/30/2010	114	\$65,318.22	Ouachita Livestock Market, LLC	Mike Godberson	
5/2/2010	13	\$7,176.84	Aaron Waters dba 2W Livestock	Mike Godberson	
5/14/2010	93	\$56,269.14	Ouachita Livestock Market, LLC	Mike Godberson	
5/21/2010	103	\$86,429.77	Ouachita Livestock Market, LLC	Mike Godberson	
5/28/2010	49	\$29,191.24	Ouachita Livestock Market, LLC	Mike Godberson	
Sale / Invoice Date	No. Head Sold	Livestock Amount	Sold To		
2/20/2010	22	\$10,336.14	Clark Schultz		
3/3/2010	3	\$2,130.97	Griswold Cattle		
3/27/2010	56	\$31,504.20	Clark Schultz		
5/2/2010	7	\$3,333.00	Jonathon Shurt		

Appendix B

Schedule of Failure to Pay within time period required by the Act for Livestock Entity Information

Purchase Date	Seller's Name	Number of Head	Livestock Amount	Net Invoice	Due Date	Payment Date	Check Number	Payment Amount	Days Late Per Instrument Date	Date Cleared Bank	Remarks	Page Number
2/19/2010	Ouachita Livestock Market, LLC	169	\$100,999.90	\$100,999.90	2/22/2010	2/25/2010	1683	\$34,189.93	3	3/1/2010	There was another check, number 1682 and dated 2/24/2010 for \$66,809.92 that was issued as partial payment.	
3/12/2010	Ouachita Livestock Market, LLC	106	\$48,174.28	\$48,174.28	3/15/2010	3/18/2010	1627	\$48,174.28	3	3/22/2010		
3/26/2010	Ouachita Livestock Market, LLC	118	\$70,117.74	\$70,117.74	3/29/2010	4/1/2010	1650	\$55,190.69	3	4/5/2010	There was another check, number 1649 and dated 3/31/2010 for \$14,927.05 that was issued as partial payment.	
4/2/2010	Ouachita Livestock Market, LLC	84	\$45,095.22	\$43,910.22	4/5/2010	4/8/2010	1658	\$43,190.22	3	4/12/2010		
4/9/2010	Ouachita Livestock Market, LLC	73	\$43,043.03	\$43,043.03	4/12/2010	4/15/2010	1699	\$43,043.03	3	4/19/2010		
4/16/2010	Ouachita Livestock Market, LLC	82	\$47,043.40	\$47,043.40	4/19/2010	4/22/2010	1707	\$47,043.40	3	4/26/2010		
4/23/2010	Ouachita Livestock Market, LLC	90	\$50,272.46	\$50,272.46	4/26/2010	4/28/2010	1720	\$50,272.46	2	5/3/2010		
4/30/2010	Ouachita Livestock Market, LLC	114	\$65,318.22	\$65,318.22	5/3/2010	5/5/2010	1831	\$49,914.30	2	5/10/2010	There was another check, number 1721 and dated 5/5/2010 for \$ 15,403.92 that was issued as partial payment.	
5/14/2010	Ouachita Livestock Market, LLC	93	\$56,269.14	\$56,269.14	5/17/2010	5/20/2010	1778	\$46,269.14	3	5/24/2010	There was another check, number 1777 and dated 5/17/2010 for \$10,000 that was issued as partial payment.	
5/21/2010	Ouachita Livestock Market, LLC	103	\$66,429.77	\$66,429.77	5/24/2010	5/27/2010	1843	\$48,834.83	3	5/27/2010	There was another check, number 1842 and dated 5/26/2010 for \$17,594.94 that was issued as partial payment.	
5/28/2010	Ouachita Livestock Market, LLC	49	\$29,191.24	\$29,191.24	5/31/2010	6/4/2010	1787	\$29,459.01	4	6/8/2010	\$267.77 overpaid	
6/4/2010	Ouachita Livestock Market, LLC	83	\$49,241.75	\$49,241.75	6/7/2010	6/10/2010	1732	\$33,483.32	3	6/14/2010	There was another check, number 1733 and dated 6/9/2010 for \$15758.43 that was issued for partial payment.	



United States
Department of
Agriculture

Office of the
General
Counsel

Washington,
D.C.
20250-1400

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October 17, 2011

Hearing Clerk
United States Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Subject: In re: Michael T. Godberson
P&S Docket No. D-12- 0034

Dear Hearing Clerk:

The address where documents are to be served on Michael T. Godberson is his home address. In order to protect the privacy of personally identifiable information regarding Mr. Godberson, the address was not included in the Complaint. Therefore, I have provided you with Mr. Godberson's home address below.

Michael T. Godberson
47150 S. 349-5 Rd.
Pawnee, OK 74058

In case of any request for the record in this case, or in response to any Freedom of Information Act (FOIA) request, please protect this personally identifiable information to the maximum extent permitted by law.

Please let me know if you need any further information.

Thank you in advance,

Brian Sylvester
Attorney of Complainant
Office of the General Counsel
Regulatory Division
1400 Independence Avenue, S.W.
Room 2319, Stop 1413
Washington, D.C. 20250
(202) 720-2869