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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

FILED

In re:) P. & S. Docket No. D-12-0398
)
Donald D. Baker Cattle Company, LLC,)
)
and Donald D. Baker)
)
Respondents) Complaint

There is reason to believe that the respondents named herein have willfully violated provisions of the Packers and 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) Donald D. Baker Cattle Company, LLC, is, and at all times material herein was, a limited liability company organized and existing under the laws of the Commonwealth of Virginia. Respondent Donald D. Baker Cattle Company, LLC has a mailing address of 2858 Old Baywood Road, Galax, VA, 24333, and is:

- (1) Engaged in the business of a dealer buying and selling livestock in commerce; and
- (2) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce;

(b) Respondent Donald D. Baker, is and at all times material herein, was, an individual with a business mailing address of 2858 Old Baywood Road, Galax, VA, 24333, and:

- (1) Sole owner of respondent Donald D. Baker Cattle Company, LLC;
- (2) Responsible for the day to day direction, management and control of respondent Donald D. Baker Cattle Company, LLC; and
- (3) The *alter ego* of respondent Donald D. Baker Cattle Company, LLC.

II

On or about May 7, 2009, respondents agreed to a consent decision and order *In re: Donald D. Baker Cattle Company, LLC, and Donald D. Baker*, P&S Docket No. D-08-0133 (hereinafter Decision) with Complainant which was issued by the then Chief Administrative Law Judge Marc Hillson on that date. The Decision required respondents, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, to cease and desist from failing to pay, when due, the full purchase of livestock. The Decision also jointly and severally assessed respondents a civil penalty of seventeen thousand and five hundred dollars (\$17,500).

III

Respondents, on or about the dates and in the transactions described in Appendix A, incorporated herein by reference, purchased livestock and failed to pay, when due, the full purchase price of such livestock.

IV

By reason of the facts alleged in paragraphs I, II and III above, respondents have willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b).

WHEREFORE, it is hereby ordered that this Complaint shall be served upon respondents for the purpose of determining whether respondents have willfully violated the Act and regulations. Respondents shall have twenty (20) days after receipt of this Complaint in which to file an answer with the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9200, in accordance with the Rules of Practice Governing 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 of this Complaint.

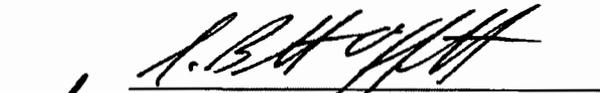
The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration requests:

1. That unless 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 such order or orders be issued, including an order requiring respondents to cease and desist from the violations of the Act and the regulations found to exist, suspending respondents as registrants under the Act, and assessing such civil penalties against respondents as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 27th day of April, 2012



for Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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Appendix A

Purchase Date	Seller/Purchased From	Number of Head of Cattle Purchased	Net Invoice Amount	Credit Agreement	Payment Due Date Per § 409	Date Check Cleared
2/26/2011	Carolina Stockyards Co.	26	\$13,462.20	Yes - 21 days	3/21/2011	5/3/2011
3/2/2011	Wilkes Livestock Exchange	20	\$9,777.30	No	3/3/2011	5/20/2011
3/9/2011	Wilkes Livestock Exchange	24	\$12,553.45	No	3/10/2011	5/20/2011
3/21/2011	Carolina Stockyards Co.	36	\$20,841.28	Yes - 21 days	4/11/2011	5/3/2011
3/23/2011	Wilkes Livestock Exchange	21	\$10,879.75	No	3/24/2011	5/20/2011
4/4/2011	Carolina Stockyards Co.	38	\$21,455.85	Yes - 21 days	4/25/2011	5/18/2011
4/8/2011	Carolina Stockyards Co.	17	\$9,552.30	Yes - 21 days	4/29/2011	7/12/2011
4/11/2011	Roanoke-Hollins Stockyard	14	\$7,815.48	No	4/12/2011	5/4/2011
4/18/2011	Carolina Stockyards Co.	42	\$24,212.35	Yes - 21 days	5/9/2011	7/12/2011
4/18/2011	Roanoke-Hollins Stockyard	41	\$22,689.84	No	4/19/2011	5/4/2011
4/20/2011	Wilkes Livestock Exchange	33	\$20,044.08	No	4/21/2011	5/20/2011
4/22/2011	Carolina Stockyards Co.	9	\$5,523.20	Yes - 21 days	5/13/2011	7/12/2011
4/25/2011	Roanoke-Hollins Stockyard	25	\$13,859.04	No	4/26/2011	5/4/2011
5/4/2011	Wilkes Livestock Exchange	28	\$16,928.21	No	5/5/2011	6/30/2011
5/18/2011	Wilkes Livestock Exchange	22	\$13,347.90	No	5/19/2011	6/30/2011
5/25/2011	Wilkes Livestock Exchange	21	\$11,507.81	No	5/26/2011	6/30/2011
6/13/2011	Carolina Stockyards Co.	21	\$12,970.28	Yes - 21 days	7/5/2011	7/12/2011
6/17/2011	S&B Cattle Co.	120	\$63,199.71	No	6/20/2011	7/6/2011
7/11/2011	Roanoke-Hollins Stockyard	17	\$9,832.30	No	7/12/2011	7/27/2011
7/13/2011	Wilkes Livestock Exchange	66	\$40,332.77	No	7/14/2011	7/22/2011
7/18/2011	Roanoke-Hollins Stockyard	17	\$9,931.55	No	7/19/2011	7/27/2011