

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) P & S Docket No. D-12-0407  
)  
Ronald Wayne Kitchen )  
)  
Respondent ) COMPLAINT

There is reason to believe that respondent Ronald Wayne Kitchen has willfully violated 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) Respondent Ronald Wayne Kitchen is an individual whose mailing address is in the State of Missouri. The address will not be stated in this Complaint to protect the privacy of respondents, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purposes of service of effectuating service of process.

(b) At all times material herein, Respondent was:

(1) Engaged in the business of a dealer, buying and selling livestock in commerce for his own account or the account of others, and as market agency, buying livestock in commerce on a commission basis; and

(2) Registered with the Secretary of Agriculture as a dealer within the meaning of and subject to the provisions of the Act.

## II.

Respondent, on or about the dates and in the transactions set forth in Attachment A, purchased livestock in commerce and prepared and issued, or caused to be prepared and issued, to the buyer for whose account such livestock purchases were made, invoices showing false, inaccurate, or misleading purchase price, weight, and source entries for such livestock.

## III.

Respondent, in connection with his operations subject to the Act, failed to keep and maintain accounts, records, and memoranda that fully and correctly disclosed all transactions involved in his business subject to the Act, including, but not limited to, scale tickets reflecting true and correct weights; records that fully and correctly disclose the source, weight, and purchase price of livestock purchased and sold; all purchase and sale invoices from auction markets where he conducted business; invoices and weigh tickets for purchases other than those at auction markets; invoices which show the true and correct purchase price of livestock purchased on a commission basis; and other documents of sale which completely and accurately reflect the true nature of such transactions as required by section 401 of the Act (7 U.S.C. § 221) and as more fully specified in section 203.4 of the Statements of General Policy Under the Packers and Stockyards Act (9 C.F.R. § 203.4).

## IV.

By reason of the facts alleged in paragraph II herein, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. §213(a)), and sections 201.44, 201.49, and 201.55 of the regulations (9 C.F.R. §§ 201.44, 201.49, 201.55).

By reason of the facts alleged in paragraph III herein, Respondent has willfully violated section 401 of the Act (7 U.S.C. § 221) by failing to keep and maintain records that fully and correctly disclose all transactions involved in Respondent's business subject to the Act.

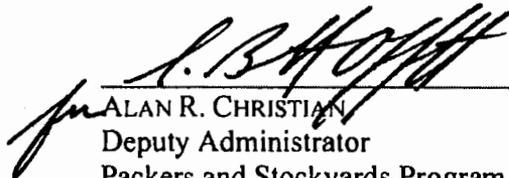
WHEREFORE, it is hereby ordered that this Complaint shall be served upon the Respondent for the purpose of determining whether Respondent has willfully violated the Act and regulations. The Respondent shall have twenty (20) days after receipt of this Complaint to file an answer with the Hearing Clerk, 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.*) (Rules of Practice). 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.

Packers and Stockyards Program, GIPSA, requests:

1. That unless Respondent fails 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 Respondent to cease and desist from the violations of the Act found to exist, an order requiring Respondent to keep and maintain all accounts, records, and memoranda that fully and accurately disclose all transactions involved in his business, as required by section 401 of the Act, and assessing such civil penalties against Respondent as are authorized by the Act and warranted in the circumstances.

Done at Washington, D.C.

this 27<sup>th</sup> day of April, 2012

  
ALAN R. CHRISTIAN  
Deputy Administrator  
Packers and Stockyards Program

CIARRA A. TOOMEY  
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Purchase Date	Auction Market	Buyer	Pen #	Head	Disc	Tag #	Scale Ticket Number	Live Weight	Price Per Cwt	Final Buyer	Buyer Pen #	Head	Disc	Tag #	Scale Ticket Number	Live Weight	Price Per Cwt	Total Invoice Amount	Price Changed	Total Mark Up Amount	Selling Deductions	Profit	
							11	37,435										\$1,242.35		\$10,829.55	\$478.88	\$10,350.67	
04/09/10	Brookfield	Brookfield	2	BLK BULL				3,185		Laura's Lean Beef Company	74	74	1	BLK BULL	8145	000009	1,710	\$74.50	NA	NA	NA	NA	
04/09/10	Brookfield	Brookfield	2	MIX BULL				3,045		Laura's Lean Beef Company	74	74	2	BLK BULL		01	3,285	\$76.00	\$76.00	\$76.00	\$99.38	\$108.00	
04/09/10	Brookfield	Brookfield	4	MIX BULL				6,930	\$0.00	Laura's Lean Beef Company	74	74	3	MIX BULL		01	3,045	\$75.50	\$2,751.98	\$1,751.98	\$2,000.00	\$2,000.00	
																		\$4,522.33	\$5,248.58	\$3,007.46	\$5,041.12		
04/16/10	Brookfield Sales Company	Brookfield Sales Company	174	2	BLK BULL	8356	000060	1,130	\$75.00	Laura's Lean Beef Company	74	74	2	BLK BULL	8356	51	2,670	\$78.50	\$2,095.95	\$78.50	\$2,095.95	\$73.76	\$2,022.19
04/16/10	Brookfield Sales Company	Brookfield Sales Company	13	1	BLK BULL			20,470	\$467.50	Laura's Lean Beef Company	74	74	1	BLK BULL	8356	51	1,130	\$78.50	\$877.05	\$39.55	\$11,150.73	\$534.76	\$10,615.97
																		\$1,183.23	\$15,150.73	\$534.76	\$14,615.97		
04/23/10	Brookfield	Brookfield	2	BLK BULL				3,825		Laura's Lean Beef Company	74	74	1	BLK BULL	8404	000019	1,465	\$78.75	\$1,080.44	NA	NA	NA	NA
04/23/10	Brookfield	Brookfield	5	MIX BULL				7,795		Laura's Lean Beef Company	74	74	2	BLK BULL		01	3,825	\$78.00	\$2,983.50	\$78.00	\$2,983.50	\$106.02	\$2,877.48
04/23/10	Brookfield	Brookfield	5	BLK BULL				7,295		Laura's Lean Beef Company	74	74	5	MIX BULL		03	7,795	\$80.00	\$6,236.00	\$80.00	\$6,236.00	\$277.54	\$6,008.46
04/23/10	Brookfield	Brookfield	5	BLK BULL				7,295		Laura's Lean Beef Company	74	74	5	BLK BULL		04	7,295	\$79.00	\$5,763.05	\$79.00	\$5,763.05	\$213.03	\$5,550.02
04/23/10	Brookfield	Brookfield	12	MIX BULL				18,915	\$0.00	Laura's Lean Beef Company	74	74	1	RED BULL	8429	000018	1,395	\$70.00	\$976.50	NA	NA	NA	NA
																		\$1,758.40	NA	NA	NA	NA	
04/23/10	Brookfield	Brookfield	2	BLK BULL				3,335		Laura's Lean Beef Company	74	74	1	BLK BULL	8431	000014	1,760	\$71.50	\$1,262.80	NA	NA	NA	NA
																		\$1,302.80	NA	NA	NA	NA	
04/23/10	Brookfield	Brookfield	2	BLK BULL				3,320		Laura's Lean Beef Company	74	74	2	BLK BULL		06	2,520	\$79.50	\$2,003.40	\$79.50	\$2,003.40	\$82.62	\$1,920.78
04/23/10	Brookfield	Brookfield	2	MIX BULL				3,120		Laura's Lean Beef Company	74	74	2	MIX BULL		05	3,120	\$80.50	\$2,511.00	\$80.50	\$2,511.00	\$99.89	\$2,411.11
04/23/10	Brookfield	Brookfield	4	MIX BULL				5,640		Laura's Lean Beef Company	74	74	4	MIX BULL		04	5,640	\$451.00	\$4,515.00	\$451.00	\$4,515.00	\$182.51	\$4,332.49
05/07/10	Brookfield Sales Company	Brookfield Sales Company	122	1	BLK BULL	8549	000043	1,675	\$75.00	Laura's Lean Beef Company	74	74	1	BLK BULL	8549	060	1,675	\$79.50	\$1,331.61	NA	NA	NA	NA
05/07/10	Brookfield	Brookfield	2	BLK BULL				1,130		Laura's Lean Beef Company	74	74	1	BLK BULL	8542	060	1,330	\$79.50	\$1,057.35	NA	NA	NA	NA
								1,005		Laura's Lean Beef Company	74	74	2	BLK BULL		05	3,005	\$78.50	\$2,368.98	NA	NA	NA	NA
																		\$4,693.59	\$5,429.59	\$311.00	\$5,112.59		
05/14/10	Brookfield	Brookfield	2	BLK BULL				3,135		Laura's Lean Beef Company	74	74	1	BLK BULL	8725	000043	1,755	\$83.75	\$1,474.71	NA	NA	NA	NA
05/14/10	Brookfield	Brookfield	2	MIX BULL				3,120		Laura's Lean Beef Company	74	74	1	BLK BULL	8708	000019	1,695	\$78.75	\$1,334.81	NA	NA	NA	NA
05/14/10	Brookfield	Brookfield	4	MIX BULL				5,640		Laura's Lean Beef Company	74	74	1	BLK BULL	8709	000020	1,610	\$80.00	\$1,288.00	NA	NA	NA	NA
05/14/10	Brookfield	Brookfield	4	MIX BULL				5,640		Laura's Lean Beef Company	74	74	1	CHM BULL	8711	000017	1,430	\$78.50	\$1,122.55	NA	NA	NA	NA
05/14/10	Brookfield	Brookfield	4	MIX BULL				5,640		Laura's Lean Beef Company	74	74	1	RED BULL	8753	000082	1,730	\$80.00	\$1,384.00	NA	NA	NA	NA
05/14/10	Brookfield	Brookfield	4	MIX BULL				5,640		Laura's Lean Beef Company	74	74	1	BLK BULL	8764	000061	1,680	\$80.00	\$1,344.00	NA	NA	NA	NA
05/14/10	Brookfield	Brookfield	2	MIX BULL				2,960		Laura's Lean Beef Company	74	74	2	MIX BULL		010	3,535	\$80.50	\$2,845.68	NA	NA	NA	NA
05/14/10	Brookfield	Brookfield	2	BLK BULL				2,960		Laura's Lean Beef Company	74	74	2	BLK BULL		011	2,960	\$79.75	\$2,360.60	NA	NA	NA	NA
05/14/10	Brookfield	Brookfield	4	MIX BULL				6,095		Laura's Lean Beef Company	74	74	1	BLK BULL	8839	00074	1,255	\$78.50	\$985.18	NA	NA	NA	NA
																		\$1,099.53	\$5,206.28	\$210.01	\$4,996.27		
																		\$2,000.00	\$5,206.28	\$210.01	\$4,996.27		
05/21/10	Brookfield	Brookfield	1	WF BULL				1,860		Laura's Lean Beef Company	74	74	1	WF BULL	8849	0101	1,860	\$48.75	\$1,509.38	\$48.75	\$1,509.38	\$51.94	\$1,457.44
05/21/10	Brookfield	Brookfield	5	BLK BULL				7,080		Laura's Lean Beef Company	74	74	5	BLK BULL		0100	7,080	\$83.50	\$5,911.80	\$83.50	\$5,911.80	\$207.25	\$5,704.55
05/21/10	Brookfield	Brookfield	6	BLK BULL				8,930		Laura's Lean Beef Company	74	74	6	BLK BULL		0100	8,930	\$74.18	\$7,461.38	\$74.18	\$7,461.38	\$161.19	\$7,199.99
																		\$1,086.98	\$7,461.38	\$161.19	\$7,199.99		
06/04/10	Brookfield	Brookfield	2	BLK BULL				3,755		Laura's Lean Beef Company	74	74	2	BLK BULL		05	3,755	\$48.00	\$1,800.00	\$48.00	\$1,800.00	\$114.87	\$1,685.13
																		\$1,685.13	\$3,485.13	\$114.87	\$3,370.26		

Purchase Date	Auction Market	Buyer	Pen #	Head	Desc	Tag #	Scale Ticket Number	Live Weight	Price per Cwt	Live Weight	Price per Cwt	Total Invoice Amount	Price Changed	Total Mark Up Amount	Selling Reductions	Pror
06/04/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	3	MIX BULL	8907	4,470	1,705	575.75	51,291.54	NA	NA	NA	NA	NA
06/04/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	4	BLK BULL	8907	6,450	575.75	51,291.54	NA	NA	NA	NA	NA	NA
06/04/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	1	BLK BULL	8916	0,000	575.75	51,291.54	NA	NA	NA	NA	NA	NA
06/04/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	1	BLK BULL	8916	0,000	575.75	51,291.54	NA	NA	NA	NA	NA	NA
06/04/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	322	174	1	GREY BULL	8920	0,000	565.00	57,327.75	NA	NA	NA	NA	NA	NA
06/04/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	322	174	12			19,195		53,418.49	NA	NA	NA	NA	NA	NA
06/17/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	1	BLK BULL	8945	0,000	1,520	770.00	51,064.00	NA	NA	NA	NA	NA
06/17/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	2	BLK BULL		3,350			51,064.00	NA	NA	NA	NA	NA
06/17/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	3			4,870			51,064.00	NA	NA	NA	NA	NA
06/18/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	1	BLK BULL	8958	0,000	2,760	574.25	51,678.03	NA	NA	NA	NA	NA
06/18/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	1	BLK BULL	8958	0,000	1,550	573.00	51,131.50	NA	NA	NA	NA	NA
06/18/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	2	BLK BULL		4,820			51,131.50	NA	NA	NA	NA	NA
06/18/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	3	BLK BULL		3,910			51,131.50	NA	NA	NA	NA	NA
06/18/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	4	BLK BULL		1,670			51,131.50	NA	NA	NA	NA	NA
06/18/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	5	BLK BULL		1,910			51,131.50	NA	NA	NA	NA	NA
06/18/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	6	BLK BULL		1,620			51,131.50	NA	NA	NA	NA	NA
06/18/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	7	BLK BULL		12,540			51,131.50	NA	NA	NA	NA	NA
06/25/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	2	WF BULL	8960	2,820	4,985	575.00	54,062.25	NA	NA	NA	NA	NA
06/25/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	3	BLK BULL		4,480			54,062.25	NA	NA	NA	NA	NA
06/25/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	3	BLK BULL		5,825			54,062.25	NA	NA	NA	NA	NA
06/25/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	3	BLK BULL		13,125			54,062.25	NA	NA	NA	NA	NA
07/23/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	3	BLK BULL	8965	4,985	575.00	54,062.25	NA	NA	NA	NA	NA	NA
07/23/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	2	MIX BULL		2,790			54,062.25	NA	NA	NA	NA	NA
07/23/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	5			7,885			54,062.25	NA	NA	NA	NA	NA
08/06/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	2	MIX BULL	8970	2,790	575.00	54,062.25	NA	NA	NA	NA	NA	NA
08/06/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	2	MIX BULL		2,790			54,062.25	NA	NA	NA	NA	NA
08/20/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	1	BLK BULL	8975	2,045	575.00	54,062.25	NA	NA	NA	NA	NA	NA
08/20/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	4	MIX BULL		3,180			54,062.25	NA	NA	NA	NA	NA
08/20/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	4	MIX BULL		6,365			54,062.25	NA	NA	NA	NA	NA
08/20/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	9			16,590			54,062.25	NA	NA	NA	NA	NA
09/10/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	4	BLK BULL	8980	5,810	575.00	54,062.25	NA	NA	NA	NA	NA	NA
09/10/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	4	BLK BULL		5,810			54,062.25	NA	NA	NA	NA	NA
09/17/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	3	BBWF BULL	8985	1,760	575.00	54,062.25	NA	NA	NA	NA	NA	NA
09/17/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	3	BBWF BULL		4,300			54,062.25	NA	NA	NA	NA	NA
09/17/10	Brookfield Sales Company	Non Kitchen Brought to Brookfield	122	122	3	BBWF BULL		1,820			54,062.25	NA	NA	NA	NA	NA

Purchase Date	Auction Market	Buyer Pen #	Head	Dec	Tag #	Scale Ticker Number	Live Weight	Price per Cwt	Total Livestock Amount	Sale Date	Final Buyer	Buyer Pen #	Head	Dec	Tag #	Scale Ticker Number	Live Weight	Price per Cwt	Total Invoice Amount	Price Changed	Total Mark Up Amount	Selling Deductions	Profit		
										09/17/10	Laura's Lean Beef Company	74	74	1	0397	000003	1,950	\$73.00	\$1,423.50	NA	NA	NA	NA	NA	
										09/17/10	Laura's Lean Beef Company	74	74	3	0401	000025	1,615	\$75.00	\$1,211.25	NA	NA	NA	NA	NA	NA
																	21,485		\$8,705.60		\$4,733.15	\$189.92	NA		
																		Commission/Trucking	\$225.84						
																			Total Amount				\$4,543.23		