

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P & S Docket No. D-12- 0442  
)  
Chad Duncan, dba )  
T & C Cattle, )  
)  
Respondent ) COMPLAINT

There is reason to believe that the respondent named herein has willfully violated provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) hereinafter referred to as the Act, 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) Chad Duncan, dba T & C Cattle, hereinafter referred to as the respondent, is an individual doing business in the state of Missouri. Respondent's business mailing address is his home address. In order to protect the personal privacy of the respondent, complainant is not providing Mr. Duncan's address in this complaint, but complainant has provided the address to the Hearing Clerk so that service can be effected.

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

(1) Engaged in the business of buying and selling livestock in commerce as a dealer or on a commission basis as a market agency.

(2) Not registered as a dealer or as a market agency with the Secretary of Agriculture.

## II.

(a) On March 22, June 7, June 21, August 2 and August 9, 2010, respondent unlawfully operated as a dealer or as a market agency in that respondent purchased livestock from Tina Stockyards, LLC, located in Tina, Missouri, for the accounts of Cactus Feeders (March 22), located in Amarillo, Texas, Cross Roads Cattle Co. (June 7 and 21), located in Austin, Texas and Mark Monaghan (August 2 and 9), located in Ryan, Iowa, without securing a bond, in violation of 7 U.S.C. § 213 and 9 C.F.R. § 201.29.

(b) On March 22, June 7, June 21, August 2, and August 9, 2010, respondent, acting as dealer or as a market agency, failed to maintain adequate accounts, records, invoices and/or memoranda fully and correctly disclosing his purchase and sale of livestock from Tina Stockyards, LLC for the accounts of Cactus Feeders, Cross Roads Cattle Co. and Mark Monaghan, as listed in paragraph (c), in violation of 7 U.S.C. § 221.

(c) On March 22, June 7, June 21, August 2, and August 9, 2010, respondent committed deceptive practices in collusion with Tina Stockyards, LLC and received unjust profits in that respondent bought livestock from Tina Stockyards, LLC for the accounts of Cactus Feeders, Cross Roads Cattle Co. and Mark Monaghan, marked up the livestock price, kept the profits and also charged commission on the sales as delineated below, in violation of 7 U.S.C. § 201(c), 201(d) and 213(a).

Account	Purchase Date	# Livestock	Original Price	Mark-up Price	Profit from Mark-up	Profit from Commission
Cactus Feeders	3/22/2010	80	\$56,709.41	\$57,837.15	\$1,127.74	\$183.61
Cross Roads Cattle Co.	6/7/2010	33	\$19,236.76	\$20,116.74	\$879.98	\$89.05
Cross Roads Cattle Co.	6/21/2010	18	\$10,157.05	\$10,394.28	\$237.23	\$89.80
Mark Monaghan	8/2/2010	15	\$8,261.72	\$8,676.11	\$414.39	-
Mark Monaghan	8/9/2010	15	\$7,685.33	\$8,291.36	\$606.03	-

### III.

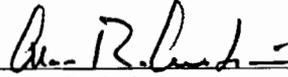
WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has willfully violated the Act and the regulations issued hereunder, this complaint shall be served upon the respondent. The respondent shall have twenty (20) days in which to file with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, an answer 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 shall constitute an admission of all the material allegations of this complaint.

The Packers and Stockyards Administration requests:

1. That unless respondent fails to file an answer within the time allowed, 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 respondent to cease and desist from the violations of the Act found to exist and accessing such civil penalty as authorized by the Act.

Done at Washington, D.C.

this 16 day of May, 2012



Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Administration

Tracey Manoff  
Attorney for Complainant  
Regulatory Division  
Office of the General Counsel, USDA  
Room 2324, South Building  
1400 Independence Ave. S.W.  
Washington, D.C. 20250-1400  
Telephone: (202) 720-2434  
Facsimile: (202) 690-4322