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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P&S Docket No.	- 12 - 0091
	)		
	)		
Murray L. Edwards,	)		
	)		
	)		
Respondent	)	<b>Complaint</b>	

There is reason to believe that the Respondent named herein has willfully violated the provisions of the Packers & Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 - 229) (Act), and, therefore, this Complaint is issued alleging the following:

I.

(a) Murray L. Edwards, referred to herein as the Respondent, is an individual whose business mailing address is his home address in the State of Florida. Respondent's address has been omitted from this Complaint in order to protect his personal privacy. Complainant has provided Respondent's address to the Hearing Clerk so that service can be effectuated.

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

1. Engaged in the business of buying and selling livestock in commerce; and

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2. Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce.

## II.

(a) By final order of the Secretary of Agriculture, issued on September 18, 1989, *In re Murray L. Edwards*, P&S Docket No. D-88-56, a copy of which is attached hereto as "Exhibit A," Respondent was ordered to cease and desist from failing to pay for livestock purchases within the time period required by the Act.

(b) Notwithstanding the prior Order of the Secretary in P&S Docket No. D-88-56, Respondent has continued to fail to make payments for cattle purchases in accordance with the requirements in section 409 of the Act (7 U.S.C. § 228b).

## III.

(a) On or about the dates and in the transactions set forth in the tabulation attached as "Exhibit B," incorporated by reference herein, Respondent failed to make timely payment, as required by section 409 of the Act (7 U.S.C. § 228b), for \$515,805.10 in livestock purchases from one individual seller and twelve auction markets.

(b) In connection with the transactions listed in "Exhibit B," Respondent issued nine checks for \$322,241.56 in livestock purchases that were returned unpaid by the bank upon which they were drawn because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented.

(c) As of September 21, 2011, approximately \$180,000 of the amount set forth in paragraph III(a) above remained unpaid.

#### IV.

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

WHEREFORE, it is hereby ordered that this Complaint shall be served on Respondent for the purpose of determining whether Respondent has willfully violated the Act. 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 Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §1.130 *et seq.*; hereinafter the "Rules of Practice"). Failure to file an answer shall constitute an admission of all the material allegations of this Complaint.

The Packers and Stockyards Program, GIPSA requests:

1. That unless Respondent fails to file an answer within the time allowed therefore, 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.
2. That an order be issued requiring Respondent to cease and desist from the violations found to exist, suspending Respondent's registration under the Act, and assessing such civil penalties as are authorized and warranted under the circumstances.

Done at Washington, D.C.

this 30 day of November 2011



Alan R. Christian  
Deputy Administrator,  
Packers & Stockyards Program

Charles E. Spicknall  
Attorney for Complainant  
Office of the General Counsel  
United States Department of Agriculture  
Regulatory Division  
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Washington, D.C. 20250  
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# Exhibit A

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) P & S. Docket No. D-88-38  
Murray L. Edwards, )  
Respondent ) Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), by a complaint filed by the Administrator, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the respondent wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Murray L. Edwards, hereinafter referred to as the respondent, is an individual whose principal place of business is located at Lakeland, Florida, and whose business mailing address

is 166 Oak Square South, Lakeland, Florida 33803.

2. The respondent, at all times material herein was:

(a) Engaged in the business of buying and selling livestock in commerce for his own account and buying livestock in commerce on a commission basis; and

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account and as a market agency to buy livestock in commerce on a commission basis.

Conclusions

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondent Murray L. Edwards, his agents and employees, directly or through any corporate or other device, in connection with his business operations subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

In accordance with 7 U.S.C. § 221, respondent shall keep and maintain accounts, records and memoranda which fully and correctly disclose the true nature of all transactions involved in his business subject to the Packers and Stockyards Act,

including but not limited to:

(1) Complete and accurate copies of invoices, accounts and bills for all livestock purchases;

(2) Scale tickets for all livestock purchased or sold on a weight basis;

(3) Complete and accurate copies of invoices, accounts and bills for all livestock sold;

(4) Deposit slips, bank statements, cancelled checks and drafts, and check stubs;

(5) A record of all accounts receivable and accounts payable;

(6) Complete and accurate copies of invoices, accounts and bills for expenses related to livestock which have been purchased or sold by respondent;

(7) A livestock purchase journal detailing each livestock purchase to show the number and weights of the livestock, the prices paid, the expenses related to the purchase and transportation of such livestock, and the charges, if any, made for buying or other services rendered;

(8) A livestock sales journal detailing each livestock sale to show the number and weights of the livestock, the prices received therefor, the expenses related to the sale and transportation of such livestock, and the charges, if any, for

other services relating to such sale; and

(9) Load make up sheets for all livestock sold on a transfer of respondent's purchase weights showing the source, number of head and weight of each lot of livestock making up the load.

Respondent may dispose of accounts, records and memoranda relating to his operations subject to the Act after such accounts, records and memoranda have been retained for a period of two full years, unless notified by the Administrator in writing that specified records must be retained for a longer period pending the completion of any investigation or proceeding under the Act.

The provisions of this order shall become effective on the sixth day after service of this order on the respondent.

Copies of this decision shall be served upon the parties.

*Murray L. Edwards*  
MURRAY L. EDWARDS  
Respondent

*Robert G. Stokes*  
ROBERT G. STOKES  
Attorney for Respondent

*Jury H. Hochberg*  
JURY H. HOCHBERG  
Attorney for Complainant

Issued this 18 day of Sept. 1989

*Jean Hunt*  
Administrative Law Judge

# Exhibit B



**US Department of Agriculture**  
**Grain Inspection, Packers and Stockyards Administration**  
**Packers and Stockyards Program (P&SP)**  
**Schedule of Failure to Pay for Livestock (V6)**  
 Entity Information

Investigation Date	Entity									DBA				Mailing Address			Control Number
1/3/2011	Murray L. Edwards													[REDACTED]			61762
Purchase / Harvest Date	Seller's Name	Purchase Type	Number of Head	Livestock Amount	Net Invoice Adjustments	Net Invoice	Credit Agreement	Credit Days	Due Date	Check Date	Payment Instrument	Check Number	Check Amount	Date Returned	Amount of Returned Check	Days Late Per Instrument Date	Page Number
12/8/2010	Alvin Futch	Live	12	\$5,015.70	-\$12.00	\$5,003.70	No		12/9/2010	12/10/2010	Check	4190	\$5,003.70	1/6/2011	\$5,003.70	Unpaid	157-159
12/13/2010	Arcadia Stockyard	Live	16	\$6,834.06	\$47.25	\$6,881.33	No		12/14/2010		Check	4199	\$6,881.33			Unpaid	160-171
12/15/2010	Arcadia Stockyard	Live	109	\$51,307.22	\$350.18	\$51,657.40	No		12/16/2010		Check	4213	\$51,657.40			Unpaid	172-190
12/14/2010	Cattlemen's Livestock	Live	48	\$22,351.30	\$315.78	\$22,667.08	No		12/15/2010		Check	4205	\$22,667.08			Unpaid	191-205
12/14/2010	Dixie Livestock	Live	86	\$44,585.04	\$315.64	\$44,900.68	No		12/15/2010		Check	4207	\$44,900.68			Unpaid	206-223
12/14/2010	Franklin County Livestock	Live	48	\$22,116.34	\$161.21	\$22,277.55	No		12/15/2010		Check	4208	\$22,277.55			Unpaid	224-239
12/13/2010	Hardee Livestock	Live	35	\$16,187.55	\$119.32	\$16,306.87	No		12/14/2010		Check	4195	\$16,306.87			Unpaid	240-253
12/15/2010	Moultrie Livestock	Live	15	\$7,686.28	\$47.85	\$7,734.13	No		12/16/2010	12/16/2010	Check	4215	\$7,734.13	1/3/2011	\$7,734.13	Unpaid	254-263
12/15/2010	North Floride Livestock	Live	44	\$19,781.15	\$134.66	\$19,915.81	Yes	7	12/22/2010		Check	4214	\$19,915.81			Unpaid	264-267
12/6/2010	Okeechobee Livestock	Live	165	\$72,907.27	\$483.87	\$73,091.14	Yes	7	12/13/2010	12/10/2010	Check	4188	\$73,091.14	1/7/2011	\$73,091.14	Unpaid	288-299
12/7/2010	Okeechobee Livestock	Live	192	\$85,762.95	\$578.85	\$86,341.80	Yes	7	12/14/2010	12/6/2010	Check	4174	\$86,341.80	1/7/2011	\$86,341.80	Unpaid	300-320
12/13/2010	Okeechobee Livestock	Live	126	\$55,378.05	\$378.75	\$55,756.80	Yes	7	12/20/2010	12/14/2010	Check	4197	\$55,756.80	1/7/2011	\$55,756.80	Unpaid	321-340
12/14/2010	Okeechobee Livestock	Live	72	\$32,671.32	\$212.93	\$32,884.25	Yes	7	12/21/2010	12/15/2010	Check	4204	\$32,884.25	1/7/2011	\$32,884.25	Unpaid	341-358
12/14/2010	Pulaski County Stockyard	Live	57	\$27,132.45	\$181.58	\$27,314.03	No		12/15/2010	12/15/2010	Check	4211	\$27,314.03	1/5/2011	\$27,314.03	Unpaid	359-376
12/13/2010	South Central Livestock	Live	30	\$13,356.75	\$94.92	\$13,451.67	No		12/14/2010	12/14/2010	Check	4200	\$13,451.67	1/4/2011	\$13,451.67	Unpaid	377-382
12/16/2010	Justin Turner (Sumter County Livestock)	Live	44	\$20,523.60	\$140.44	\$20,664.04	No		12/17/2010	12/17/2010	Check	4219	\$20,664.04	12/31/2010	\$20,664.04	Unpaid	393-400
12/14/2010	Thomas County Stockyards	Live	24	\$12,508.05	\$85.46	\$12,593.51	No		12/15/2010		Check	4203	\$12,593.51			Unpaid	401-415
			1,125	\$515,805.10	\$3,836.69	\$519,441.79							\$519,441.79		\$322,241.56		