

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
) P & S Docket No. 13- 0058
Jimmy Springer,)
))
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.*), 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) Jimmy Springer, referred to herein as the respondent, is an individual. The respondent's mailing address will not be stated in the complaint to protect the privacy of Mr. Springer, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purposes of service of this complaint.
- (b) The respondent is, and at all times material herein was:
 - (1) Engaged in the business of a market agency buying livestock on a commission basis in commerce; and
 - (2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce, but his registration was made inactive on July 8, 2009, at the respondent's request.

II

- (a) On January 7, 2008, the respondent was registered with the Grain Inspection, Packers and

Stockyards Administration (GIPSA) to operate as a dealer subject to the Packers and Stockyards Act. On February 17, 2009, GIPSA received notice from Platte River Insurance Company that the respondent's bond would be cancelled effective March 19, 2009. GIPSA sent the respondent a letter by certified mail on February 18, 2009, notifying the respondent that unless he had a new bond or bond equivalent securing the performance of his obligations on or before March 19, 2009, he must discontinue all livestock operations for which bonding is required under the Packers and Stockyards Act. The respondent received the letter on February 20, 2009.

(b) On May 22, 2009, GIPSA sent respondent a Notice of Default (NOD) by certified mail. The NOD was claimed and signed for by Gerald Kasson on May 29, 2009. The NOD notified the respondent of his obligation to file an annual report for 2008 and his failure to do so on or before April 16, 2009.

(c) The respondent wrote GIPSA in July, 2009, informing the agency that he had discontinued his livestock operation and requesting that his registration be made inactive. On July 8, 2009, GIPSA sent the respondent a letter, notifying him that his registration was made inactive on July 8, 2009. The letter informed the respondent of his obligation to file an application for registration and to secure a bond or bond equivalent if he wished to operate again. The letter was signed for by Gerald "Jerry" Kasson at respondent's address on July 11, 2009.

III

During the period from July 13, 2010, through April 19, 2011, in approximately eighteen transactions involving the purchase of a total of 1,335 head of livestock from Fredonia Livestock Auction, LLC in Fredonia, KS, for a total purchase price of \$1,002,365.69, the respondent engaged in the business of a market agency buying livestock in commerce on a commission basis without maintaining an adequate bond or bond equivalent.

IV

By reason of the facts alleged in paragraph III above, respondent willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)), and sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29 and 201.30).

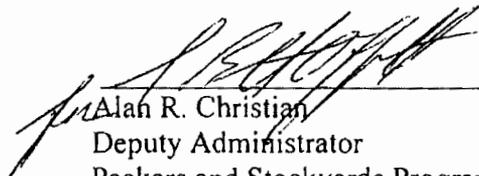
WHEREFORE, it is hereby ordered that this complaint shall be served upon respondent for the purpose of determining whether respondent has willfully violated the Act and regulations. Respondent shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing Clerk, 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 Grain Inspection, 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; and
2. That such order or orders be issued, including an order requiring respondent to cease and desist from the violations of the Act and the regulations found to exist, suspending the respondent as a registrant under the Act, and assessing such civil penalties against respondent as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 26th day of October, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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