

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

12:14

In re:

) P & S Docket No. D-13-

0066

)  
) Farmer Grown Poultry, LLC,

)  
) 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.*) therefore, this complaint is issued alleging the following:

I.

(a) Farmer Grown Poultry, LLC, hereinafter referred to as respondent, is a business incorporated in the State of Iowa and located at 1047 202nd Avenue, Fort Atkinson, Iowa 52144.

(b) Respondent at all times material herein was engaged in the business as a live poultry dealer in the State of Iowa.

II.

(a) On or about December 5-16, 2010, respondent obtained live poultry (Flock Number 20 90 107 02) from Dan & Elizabeth Byl, Inc., located in Maurice, Iowa, under a poultry growing arrangement and failed to deliver the full amount due to Dan & Elizabeth Byl, Inc., which was twenty-five thousand, nine hundred and nineteen dollars and ninety-two cents (\$25,919.92) before the close of the fifteenth day following the week in which the poultry is slaughtered, in violation of 7 U.S.C. § 228b-1(a).

(b) On or about December 4-13, 2010, respondent obtained live poultry (Flock Number 20 90 107 01) from Dan & Elizabeth Byl, Inc., located in Maurice, Iowa, under a poultry

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growing arrangement and failed to deliver the full amount due to Dan & Elizabeth Byl, Inc., which was twenty-four thousand, nine hundred and twenty-seven dollars and twelve cents (\$24,927.12) before the close of the fifteenth day following the week in which the poultry is slaughtered, in violation of 7 U.S.C. § 228b-1(a).

(c) On or about December 7-20, 2010, respondent obtained live poultry (Flock Number 20 90 106 04) from Dan & Elizabeth Byl, Inc., located in Maurice, Iowa, under a poultry growing arrangement and failed to deliver the full amount due to Dan & Elizabeth Byl, Inc., which was nineteen thousand, four hundred and fifty-eight dollars and thirty-two cents (\$19,458.32) before the close of the fifteenth day following the week in which the poultry is slaughtered, in violation of 7 U.S.C. § 228b-1(a).

(d) On or about December 14-19, 2010, respondent obtained live poultry (Flock Number 20 90 106 03) from Dan & Elizabeth Byl, Inc., located in Maurice, Iowa, under a poultry growing arrangement and failed to deliver the full amount due to Dan & Elizabeth Byl, Inc., which was seventeen thousand, six hundred and ninety-six dollars and eight cents (\$17, 696.08) before the close of the fifteenth day following the week in which the poultry is slaughtered, in violation of 7 U.S.C. § 228b-1(a).

(e) On or about December 19-26, 2010, respondent obtained live poultry from Leon Korthals, dba Ca Le Ko Farms, Inc., (Flock Number 20 90 108 01) located in Boyden, Iowa, under a poultry growing arrangement and failed to deliver the full amount due to Leon Korthals, dba Ca Le Ko Farms, Inc., which was twenty-three thousand, two hundred and forty-one dollars and sixty cents (\$23, 241.60) before the close of the fifteenth day following the week in which the poultry is slaughtered, in violation of 7 U.S.C. § 228b-1(a).

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(f) On or about December 16, 2010 to January 2, 2011, respondent obtained live poultry from Leon Korthals, dba Ca Le Ko Farms, Inc., (Flock Number 20 90 108 02) located in Boyden, Iowa under a poultry growing arrangement and failed to deliver the full amount due to Leon Korthals, dba Ca Le Ko Farms, Inc., which was twenty-six thousand, six hundred and thirty-three dollars and four cents (\$26,633.04) before the close of the fifteenth day following the week in which the poultry is slaughtered, in violation of 7 U.S.C. § 228b-1(a).

(g) On or about November 16 to November 22, 2010, respondent obtained live poultry from Clifford Crowell, (Flock Number 10 90 110 101) located in Windom, Minnesota, under a poultry growing arrangement and failed to deliver the full amount due to Clifford Crowell, which was twenty thousand, five hundred and forty-five dollars and twenty cents (\$20,545.20) before the close of the fifteenth day following the week in which the poultry is slaughtered, in violation of 7 U.S.C. § 228b-1(a).

(h) On or about November 22 to December 1, 2010, respondent obtained live poultry from Clifford Crowell, (Flock Number 10 90 110 02) located in Windom, Minnesota, under a poultry growing arrangement and failed to deliver the full amount due to Clifford Crowell, which was twenty three thousand, six hundred and thirty-two dollars and seventy-two cents (\$23,632.72) before the close of the fifteenth day following the week in which the poultry is slaughtered, in violation of 7 U.S.C. § 228b-1(a).

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(i) On or about November 28 to December 8, 2010, respondent obtained live poultry from Duane Weerts, dba Weerts Broiler Farms, (Flock Number 10 90 114 01) located in Springfield, Minnesota, under a poultry growing arrangement and failed to deliver the full amount due to Duane Weerts, dba Weerts Broiler Farms, which was twenty one thousand, six hundred and forty-three dollars and twenty cents (\$21, 643.20) before the close of the fifteenth day following the week in which the poultry is slaughtered, in violation of 7 U.S.C. § 228b-1(a).

(j) On or about December 26, 2010 to January 3, 2011, respondent obtained live poultry from Jim Spangler, (Flock Number 20 90 111 03) located in Morgan, Minnesota and Okoboji, Iowa, under a poultry growing arrangement and failed to deliver the full amount due to Jim Spangler, which was fourteen thousand, three hundred and twenty-seven dollars and sixty cents (\$14,327.60) before the close of the fifteenth day following the week in which the poultry is slaughtered, in violation of 7 U.S.C. § 228b-1(a).

(k) On or about November 20-30, 2010, respondent obtained live poultry from Milo Veenstra, (Flock Number 10 90 113 01) located in Clements, Minnesota, under a poultry growing arrangement and failed to deliver the full amount due to Milo Veenstra, which was eighteen thousand, five hundred and ninety-four dollars and forty cents (\$18, 594.40) before the close of the fifteenth day following the week in which the poultry is slaughtered, in violation of 7 U.S.C. § 228b-1(a).

(l) On or about December 21-27, 2010, respondent obtained live poultry from Scott Friesen, dba Prairie Wind Broilers, (Flock Number 10 90 115 01) located in Mt. Lake, Minnesota, under a poultry growing arrangement and failed to deliver the full amount due to Scott Friesen, dba Prairie Wind Broilers, which was twenty one thousand, nine hundred and seventy-five dollars and forty four cents (\$21, 975.44) before the close of the fifteenth day

following the week in which the poultry is slaughtered, in violation of 7 U.S.C. § 228b-1(a).

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 assessing such civil penalty as authorized by the Act.

Done at Washington, D.C.

this 1 day of November 2012



Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Administration

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