

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P&S Docket No. 13- 0156  
)  
Randy R. Wientjes )  
d/b/a Brookport Cattle Company )  
)  
Respondent ) Complaint

There is reason to believe that the respondent named herein 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 Randy R. Wientjes is an individual who does business as Brookport Cattle Company, and who has a mailing address of 3042 Lakeview Drive, Metropolis, IL, 62960.

(b) Respondent at all times material herein was:

(1) Engaged in the business of a dealer buying and selling livestock in commerce; and

(2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

## II

Respondent entered into a Civil Penalty Stipulation Agreement with Complainant on or about October 4, 2011, Case Number 52867. This Agreement informally resolved, without respondent admitting or denying the alleged violations, GIPSA's allegations that respondent had failed to pay, when due, for livestock purchases on 14 occasions during the period of May 4, 2010, to July 13, 2010, and that respondent had failed to maintain all sales invoices and adequate records to trace livestock from purchase to sale. The Agreement assessed respondent a civil penalty of \$2,000.00.

## III

(a) On or about the dates and in the transactions set forth in Appendix A, which is attached hereto and incorporated herein by reference, respondent purchased livestock and failed to pay, when due, for such livestock purchases.

(b) As of March 26, 2012, to the best of Complainant's knowledge, respondent owes approximately \$334,766.66 to sellers of livestock for the purchases described as "unpaid" in Appendix A.

## IV

By reason of the facts alleged in paragraphs II and III, respondent has willfully violated sections 312(a) (7 U.S.C. § 213(a)) and 409 (7 U.S.C. § 228b) of the Act, and section 201.43 of the regulations (9 C.F.R. § 201.43).

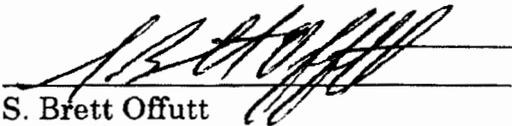
WHEREFORE, it is hereby ordered that this Complaint shall be served upon respondent for the purpose of determining whether respondent has willfully violated the Act and regulations. Respondent shall have twenty (20) days after receipt of this Complaint in which to file an answer with the Hearing Clerk, 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 Packers and Stockyards Program, 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 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 9<sup>th</sup> day of January, 2013

  
S. Brett Offutt  
Acting Deputy Administrator  
Packers and Stockyards Program

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Appendix A

Purchase Date	Seller	Number of Head	Net Payment Amount Due	Payment Due Date	Payment Amount	Payment Date	Days Late
12/28/2011	United Producers, Inc.	37	\$51,662.55	12/29/2011	\$51,662.55	1/17/2012	19
1/6/2012	United Producers, Inc.	35	\$53,107.85	1/9/2012	\$53,107.85	1/10/2012	1
1/6/2012	United Producers, Inc.	33	\$36,662.42	1/9/2012	\$36,662.42	1/10/2012	1
1/7/2012	United Producers, Inc.	32	\$28,224.00	1/9/2012	\$134,674.50 <sup>1</sup>	1/10/2012	1
1/7/2012	United Producers, Inc.	110	\$106,450.50	1/9/2012	\$134,674.50	1/10/2012	1
1/7/2012	Ash Flat Livestock Auction, Inc.	127	\$125,443.76	1/9/2012	\$125,443.76	1/17/2012	8
1/13/2012	Ash Flat Livestock Auction, Inc.	91	\$70,714.90	1/17/2012	\$70,714.90	1/30/2012	13
1/18/2012	Batesville Stockyard of Charlotte, Inc.	82	\$63,695.74	1/19/2012	\$63,695.74	1/23/2012	4
1/27/2012	Ash Flat Livestock Auction, Inc.	28	\$27,707.66	1/30/2012	\$59,379.61 <sup>2</sup>	2/21/2012	22
2/10/2012	Ash Flat Livestock Auction, Inc.	45	\$31,671.95	2/13/2012	\$59,379.61	2/21/2012	8
2/16/2012	United Producers, Inc.	93	\$60,527.20	2/17/2012	\$60,527.20	2/21/2012	4
2/28/2012	Mammoth Cave Dairy Auction, Inc.	57	\$66,099.30	2/29/2012	Unpaid	Unpaid	Unpaid
2/29/2012	United Producers, Inc.	3	\$633.47	3/1/2012	\$633.47	3/6/2012	5

<sup>1</sup> This amount included payment in one check for both the purchase of 32 head of livestock and 110 head purchase of livestock on January 7, 2012.

<sup>2</sup> This amount included payment in one check for the purchase of 1/27/2012 purchase of 28 head of livestock and the 2/10/2012 purchase of 45 head of livestock.

3/13/2012	Mammoth Cave Dairy Auction, Inc.	23	\$25,868.71	3/14/2012	Unpaid	Unpaid	Unpaid
3/16/2012	Ash Flat Livestock Auction, Inc.	60	\$69,837.45	3/19/2012	Unpaid	Unpaid	Unpaid
3/23/2012	United Producers, Inc.	63	\$56,643.50	3/26/2012	Unpaid	Unpaid	Unpaid
3/23/2012	United Producers, Inc.	43	\$41,393.05	3/26/2012	Unpaid	Unpaid	Unpaid
3/23/2012	United Producers, Inc.	95	\$74,924.65	3/26/2012	Unpaid	Unpaid	Unpaid