

CONFIDENTIAL

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

(1)

In re:	)	P & S Docket No. D-13-	0191
	)		
John C. Howard,	)		
	)		
	)		
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.), (Act), and, therefore, this Complaint is issued alleging the following:

I

(a) John C. Howard is an individual, herein referred to as Respondent. Respondent's business mailing address is a home address. In order to protect the personal privacy of Respondent, Complainant is not providing Respondent'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 business as a dealer buying and selling livestock in commerce for its own account; and

(2) registered as a dealer to buy and sell livestock in commerce on a commission basis, with the Secretary of Agriculture.

II

## II

On or about the dates and in the transactions set forth set forth in Appendix A, Respondent engaged in the business of a dealer without maintaining an adequate bond or bond equivalent.

## III

By reason of the facts alleged in paragraph II of the Complaint, Respondent has willfully violated sections 312(a) of the Act (7 U.S.C. § 213(a)) and section 201.29 of the Regulations (9 C.F.R § 201.29).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the Respondent has in fact willfully violated the Act, this Complaint shall be served upon the Respondent. The 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 proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, requests:

1. That unless the Respondent fails to file an answer within the time allowed therefor, 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 the Respondent to cease and desist from the violations found to exist, and assessing such civil penalties and/or

suspension to operate subject to the Act as authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 11<sup>th</sup> day of March 2013

Susan B. Keith  
Susan B. Keith  
Acting Deputy Administrator  
Packers and Stockyards Program

BRIAN SYLVESTER  
Attorney for Complainant  
U.S. Department of Agriculture  
Office of the General Counsel  
Regulatory Division  
1400 Independence Ave, SW, Room 2319  
Washington, D.C. 20250

## Appendix A

JOHN HOWARD							
Purchase Date	Purchased From	Purchased For the Account Of	No. Head Purchased	Total Invoice	Commission Check Date	Commission Check No.	Commission Check Amount
03/08/11	Arkansas Cattle Auction Co., LLC	XL Four Star Beef, Inc., Omaha, NE	8	\$ 7,308.83	03/08/11	24199	\$ 48.50
03/22/11	Arkansas Cattle Auction Co., LLC	XL Four Star Beef, Inc., Omaha, NE	20	\$ 21,398.52	03/22/11	24391	\$ 128.40
04/12/11	Arkansas Cattle Auction Co., LLC	XL Four Star Beef, Inc., Omaha, NE	13	\$ 13,590.95	04/12/11	24689	\$ 84.60
04/26/11	Arkansas Cattle Auction Co., LLC	XL Four Star Beef, Inc., Omaha, NE	22	\$ 20,932.61	04/26/11	24844	\$ 127.20
06/21/11	Arkansas Cattle Auction Co., LLC	XL Four Star Beef, Inc., Omaha, NE	18	\$ 14,218.30	06/21/11	25495	\$ 107.38
07/26/11	Arkansas Cattle Auction Co., LLC	XL Four Star Beef, Inc., Omaha, NE	19	\$ 13,105.02	07/26/11	25854	\$ 108.18
08/23/11	Arkansas Cattle Auction Co., LLC	XL Four Star Beef, Inc., Omaha, NE	3	\$ 2,751.03	08/23/11	26158	\$ 19.03
03/21/11	Cleburne County Livestock, Inc.	Excel Meats, Omaha, NE	12	\$ 10,127.93	03/21/11	11149	\$ 64.78
04/18/11	Cleburne County Livestock, Inc.	Excel Meats, Omaha, NE	3	\$ 2,581.53	04/18/11	11533	\$ 17.18
05/16/11	Cleburne County Livestock, Inc.	Excel Meats, Omaha, NE	22	\$ 19,552.75	05/16/11	11764	\$ 129.90
06/06/11	Cleburne County Livestock, Inc.	Excel Meats, Omaha, NE	8	\$ 7,601.53	06/06/11	11934	\$ 102.78
07/18/11	Cleburne County Livestock, Inc.	Excel Meats, Omaha, NE	25	\$ 17,448.38	07/18/11	12423	\$ 141.68
08/15/11	Cleburne County Livestock, Inc.	Excel Meats, Omaha, NE	16	\$ 11,530.30	08/15/11	12807	\$ 92.95
08/29/11	Cleburne County Livestock, Inc.	Excel Meats, Omaha, NE	6	\$ 4,717.58	08/29/11	12949	\$ 36.48
Totals:			195	\$ 166,865.26			\$ 1,209.04