

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D- 08-0035
)
R. Robert Lamb,)
)
Respondent) Complaint

There is reason to believe that Respondent named herein has willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (hereinafter referred to as the "Act") and, therefore, this complaint is issued alleging the following:

I

- (a) R. Robert Lamb (hereinafter, "Respondent"), is an individual whose mailing address is 337 South 1450 East, Burnettsville, Indiana 47926
- (b) Respondent, at all times material herein was:
 - (1) Engaged in the business of a dealer, buying and selling livestock for his own account and the account of others; and
 - (2) Registered with the Secretary of Agriculture as a dealer, buying and selling livestock for his own account and the account of others.

II

On June 12, 2006, a Consent Decision was issued in the case of In re: R. Robert Lamb, P.& S. Docket No. D-04-0014, and signed by Respondent, in which Respondent agreed to an order requiring it to cease and desist from failing to pay, when due, the purchase price of livestock and was suspended as a registrant under the Act for a period of five years. The Consent Decision provided that, upon application to the Packers and Stockyards Program, a supplemental

order might be issued terminating the suspension at any time after 120 days upon demonstration by Respondent of circumstances warranting modification of the order. The Consent Decision further provided that the order might be modified, upon application to the Packers and Stockyards Program, to permit the salaried employment of Respondent by another registrant or packer after the initial 120 days of suspension and upon demonstration of circumstances warranting modification of the order. The Consent Decision was served upon Respondent on June 21, 2006, and became effective on June 27, 2006. Respondent never demonstrated circumstances warranting modification of the order as set forth in the Consent Decision.

III

(a) Respondent, in connection with his operations subject to the Act, in the transactions set forth below, purchased feeder pigs from The Pig Exchange, d/b/a ProPig, LLC, Burnettsville, Indiana, and had the pigs delivered to Respondent's customer, Frohardt Bros., Sac City, Iowa.

Seller	Purchase Date	Date Payment Due	No. of Head	Livestock Amount
The Pig Exchange, d/b/a ProPig, LLC	9-18-06	9-23-06	606	\$29,246.40
	9-21-06	9-26-06	1,805	\$88,160.64
Total			2,411	\$117,407.04

(b) Respondent has failed to make full payment for the pigs within the time period required by the Act and, as of December 2006, owed The Pig Exchange, d/b/a ProPig, LLC \$60,794.34 of the livestock amount set forth above.

IV

By reason of the facts alleged in paragraph 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 for the purpose of determining whether Respondent has in fact willfully violated the Act and the regulations thereunder, this complaint shall be served upon Respondent. 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 Administrative Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.) (hereinafter, "Rules of Practice"). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

Packers and Stockyards Program, GIPSA, requests:

1. That unless 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; and

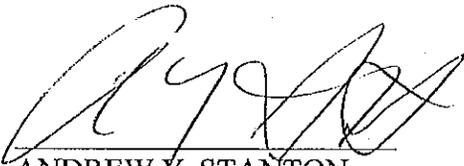
2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations found to exist and assessing such civil penalties as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 17 day of December 2007



ALAN R. CHRISTIAN
Deputy Administrator
Packers and Stockyards Program
Grain Inspection, Packers and Stockyards
Administration



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