

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P & S Docket No. D-10-0065  
Kao Vang and Chue Thao, )  
d/b/a California Fresh Meats )  
)  
)  
Respondents ) Complaint

There is reason to believe that the Respondents named herein have willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.; hereinafter “Act”), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.; hereinafter “Regulations”), and, therefore, this complaint is issued alleging the following:

I.

(a) Kao Vang and Chue Thao, (hereinafter “Respondents”) are individuals d/b/a California Fresh Meats, a partnership, whose business mailing address is 13600 E. Belmont, Fresno, California 93657.

(b) At all times material herein, Respondents were:

- (1) Engaged in the business of buying and selling livestock in commerce as a dealer for their own account;
- (2) Not registered with the Secretary of Agriculture as a dealer; and
- (3) At all times material to this complaint, operating as a dealer within the jurisdiction of the Secretary.

II.

(a) In a certified Notice of Default Letter dated January 22, 2009, and received by Respondents on January 28, 2009, Respondents were informed that the Packers and Stockyards

Program had information that they were buying and selling livestock in commerce and were therefore subject to the Act and the Regulations. Respondents were further informed that in order to come into compliance with the Act and the Regulations, they must complete and file an application for registration and obtain a condition 2 bond or bond equivalent. Respondents were informed that the amount of bond coverage must be based on the average amount of livestock purchased during a period equivalent to two business days, but in no case could the bond be less than \$10,000.00. Respondents were also informed that continuing to operate subject to the Act and the Regulations without registering and/or filing the applicable bond or bond equivalent could result in a complaint being filed in a United States District Court or an administrative complaint being filed.

(b) On March 12, 2009, and again on March 16, 2009, a Packers and Stockyards Program representative personally met with Respondent Kao Vang and discussed the bonding requirements with him and gave him ideas of where to obtain a bond. Notwithstanding such notice, Respondents continued to engage in the business of buying and selling livestock as a dealer without being registered as a dealer with the Secretary and without maintaining an adequate bond or bond equivalent as required by the Act and the Regulations.

### III.

On or about the dates and in the transactions set forth in Appendix A and incorporated herein by reference, Respondents engaged in the business of a dealer buying and selling livestock in commerce without maintaining an adequate bond or bond equivalent. The transactions occurred at Tulare County Stockyard, Inc., a posted stockyard, in Dinuba, California, Fresno Livestock Commission LLC, a posted stockyard, in Fresno, California, and Western Stockman's Market, a posted stockyard in Famoso, California.

#### IV.

By reason of the facts alleged in paragraphs II and III, Respondents have 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, 201.30).

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondents for the purpose of determining whether Respondents have willfully violated the Act and the Regulations. Respondents 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 Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.; hereinafter "Rules of Practice"). 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.

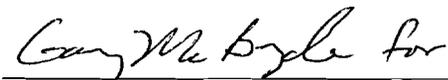
The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), requests:

1. That unless Respondents fail to file an answer within the time allowed, or file 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 Respondents to cease and desist from the violations of the Act and the Regulations found to exist, suspending Respondents as a registrants under the Act, and assessing such civil penalties against Respondents as are authorized by the Act and warranted in the circumstances.

Done at Washington, D.C.

this 28 day of December, 2009



Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Program



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**Appendix A: Kao Vang and Chue Thao, d/b/a California Fresh Meats**

**Dealer Purchase Transactions**

Purchase Date	Seller	No. of Head	Livestock Purchase Amount
03/06/09	Tulare County Stockyard, Inc. Dinuba, California	38	\$19,216.20
03/27/09		47	\$24,409.90
02/28/09	Fresno Livestock Commission, LLC Fresno, California	39	\$3,750.40
03/07/09		73	\$5,661.30
03/21/09		37	\$3,269.15
03/28/09		37	\$3,804.05
02/22/09		20	\$18,507.20
03/09/09	Western Stockman's Market Famoso, California	17	\$10,106.45
03/16/09		12	\$8,756.50
03/16/09		1	\$301.95
03/23/09		14	\$6,393.70
03/23/09		2	\$2,113.90
03/30/09		4	\$3,877.49
03/30/09		1	\$613.80

**Dealer Purchase Traced Through Sale Transactions**

Purchase Date	Seller	No. of Head	Livestock Purchase Amount	Buyer	No. of Head	Tag/ID No.	Date Slaughtered
02/13/09	Tulare County Stockyard, Inc. Dinuba, California	24	\$14,741.50	Xiong Cha	1	8132-6	02/25/09
				Chong Yia Vang	2	748 2	02/27/09