

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P & S Docket No. 15-0049
)
Randy Deaton, d/b/a)
Deaton Livestock,)
)
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.*), hereinafter referred to as the Act, and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*) and therefore, this complaint is issued alleging the following:

I.

(a) Randy Deaton, d/b/a Deaton Livestock, hereinafter referred to as the respondent, is an individual doing business as a business entity in the Commonwealth of Kentucky. Respondent's business address is his home address and will be provided to the Hearing Clerk's Office for purposes of service of process.

(b) Respondent at all times material herein was:

1. Engaged in the business of a dealer buying and selling livestock in commerce for his own account and the accounts of others.
2. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account and the account of others.

II.

(a) On July 31, 2010, respondent failed to pay Farmers Livestock Market, Inc., Greenville, Tennessee ("Farmers"), for livestock in the amount of \$37,946.84 (thirty-seven thousand

- nine hundred forty-six dollars and eighty-four cents) for 71 (seventy-one) head of livestock, in violation of Section 409 of the Act (7 U.S.C. § 228b) and 9 C.F.R. § 201.43.
- (b) On July 31, 2010, respondent failed to pay Farmers for livestock in the amount of \$10,431.34 (ten thousand four hundred thirty-one dollars and thirty-four cents) for 16 (sixteen) head of livestock, in violation of Section 409 of the Act (7 U.S.C. § 228b) and 9 C.F.R. § 201.43.
- (c) On August 7, 2010, respondent failed to pay Farmers for livestock in the amount of \$24,116.55 (twenty-four thousand one hundred sixteen dollars and fifty-five cents) for 55 (fifty-five) head of livestock, in violation of Section 409 of the Act (7 U.S.C. § 228b) and 9 C.F.R. § 201.43.
- (d) On September 7, 2012, Farmers, filed a complaint against respondent in the United States District Court, Eastern District of Tennessee (Farmers Livestock Market, Inc. v. Deaton, Case Number 2:12-cv-00383) to recover payment.
- (e) From June 2, 2012 to October 6, 2012, respondent purchased in fourteen separate transactions 728 head of livestock from Farmers, for a total of \$440,459.32 and failed to pay, when due, for such livestock purchases, in violation of Section 409 of the Act (7 U.S.C. § 228b) and 9 C.F.R. § 201.43 (See Exhibit 1).
- (f) On August 25, 2012, respondent, issued a check number 8807 to Farmers in payment for the livestock purchase of 92 (ninety-two) head of livestock, in the amount of \$60,188.25 (sixty thousand one hundred eighty-eight dollars and twenty-five cents) that was returned unpaid by the bank upon which it was drawn because respondent did not have and maintain sufficient funds on deposit and available in the account upon which this check was drawn to

pay for this check when presented, in violation of Section 312(a) of the Act (7 U.S.C. § 213(a)). (See Exhibit 2).

III.

By reasons of the facts alleged in paragraph II herein, respondent willfully violated Sections 312(a) and 409(a) of the Act (7 U.S.C. §§ 213(a) and 228b) and 9 C.F.R. §§ 201.43 of the regulations.

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. Respondent shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 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, GIPSA, requests:

1. That unless the respondent fails to file an answer within the time frame 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 suspending the respondent as a registrant under the Act.

Done at Washington, D.C.

This 23rd day of December, 2014

Susan B. Keith

Susan B. Keith

Deputy Administrator

Packers and Stockyards Program

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US Department of Agriculture

Grain Inspection, Packers and Stockyards Administration
Packers and Stockyards Program (PSP)

Schedule of Payers to Pay within Time Period Required by the Act for Livestock (VT 6-18-17)

| Payer's Date | Payer's Name | Number of Head | Livestock Account | Other Charges - Adjustments | Total Invoice | Due Date | Section Livestock | | | Check Date | Check Amount | Days Late Per Institutional Rule | Date Cleared (Date) | Institution Date to Date Cleared | Control Number |
|-----------------------------------|--------------------------------|----------------|-------------------|-----------------------------|---------------|----------|-------------------------|--------------|------------|--------------|--------------|----------------------------------|---------------------|----------------------------------|----------------|
| | | | | | | | Payment Date (see note) | Check Number | Check Date | | | | | | |
| 6/22/72 | Farmers Livestock Market, Inc. | 16 | \$13,888.28 | | \$13,888.28 | 6/22/72 | 6/22/72 | 687 | 6/22/72 | \$13,888.28 | 4 | 6/19/72 | 9 | 64898 | |
| 6/22/72 | Farmers Livestock Market, Inc. | 28 | \$17,846.10 | | \$17,846.10 | 6/19/72 | 6/19/72 | 688 | 6/19/72 | \$17,846.10 | 6 | 6/16/72 | 10 | | |
| 7/7/72 | Farmers Livestock Market, Inc. | 25 | \$13,872.00 | | \$13,872.00 | 7/6/72 | 7/6/72 | 673 | 7/7/72 | \$13,872.00 | 11 | 7/28/72 | 18 | | |
| 7/14/72 | Farmers Livestock Market, Inc. | 14 | \$7,888.88 | | \$7,888.88 | 7/14/72 | 7/14/72 | 676 | 7/14/72 | \$7,888.88 | 7 | 7/14/72 | 3 | | |
| 7/24/72 | Farmers Livestock Market, Inc. | 64 | \$28,878.21 | | \$28,878.21 | 7/24/72 | 7/24/72 | 678 | 7/24/72 | \$28,878.21 | 6 | 6/12/72 | 6 | | |
| 7/28/72 | Farmers Livestock Market, Inc. | 53 | \$28,384.39 | | \$28,384.39 | 7/28/72 | 7/28/72 | 679 | 7/28/72 | \$28,384.39 | 9 | 6/12/72 | 12 | | |
| 8/4/72 | Farmers Livestock Market, Inc. | 46 | \$24,688.88 | | \$24,688.88 | 8/4/72 | 8/4/72 | 672 | 8/4/72 | \$24,688.88 | 6 | 6/12/72 | 11 | \$162.88 Kuylen Shephard | |
| 8/17/72 | Farmers Livestock Market, Inc. | 35 | \$23,082.00 | | \$23,082.00 | 8/17/72 | 8/17/72 | 672 | 8/17/72 | \$23,082.00 | 6 | 6/22/72 | 6 | | |
| 8/18/72 | Farmers Livestock Market, Inc. | 33 | \$22,716.88 | | \$22,716.88 | 8/18/72 | 8/18/72 | 6816 | 8/18/72 | \$22,716.88 | 7 | 6/12/72 | 11 | 8888 heading | |
| 8/22/72 | Farmers Livestock Market, Inc. | 43 | \$27,388.28 | | \$27,388.28 | 8/22/72 | 8/22/72 | 682 | 8/22/72 | \$27,388.28 | 8 | 6/16/72 | 11 | | |
| 8/16/72 | Farmers Livestock Market, Inc. | 86 | \$68,878.00 | | \$68,878.00 | 8/16/72 | 8/16/72 | 6811 | 8/16/72 | \$68,878.00 | 6 | 6/28/72 | 11 | 888 Kuylen Shephard | |
| 8/22/72 | Farmers Livestock Market, Inc. | 88 | \$81,788.10 | | \$81,788.10 | 8/22/72 | 8/22/72 | 682 | 8/22/72 | \$81,788.10 | 8 | 7/22/72 | 11 | | |
| 8/28/72 | Farmers Livestock Market, Inc. | 116 | \$68,841.88 | | \$68,841.88 | 8/28/72 | 8/28/72 | 681 | 8/28/72 | \$68,841.88 | 7 | 10/11/72 | 12 | | |
| 10/8/72 | Farmers Livestock Market, Inc. | 82 | \$21,288.72 | -1,287.88 | \$20,000.84 | 10/8/72 | 10/12/72 | 6819 | 10/12/72 | \$21,288.72 | 7 | 10/12/72 | 4 | \$1,287.88 Credits | |
| Total of Payers to Pay Within Due | | 738 | \$448,688.88 | -1,287.88 | \$447,401.00 | | | | | \$447,401.00 | | | | | |

Note: Payments received on Saturday were deposited by Units (Members) on Monday. Payments received by mail were deposited by PPSB Units (Competition Secretary) on the day the payment was received.



US Department of Agriculture
Grain Inspection, Packers and Stockyards Administration
Packers and Stockyards Program (P&SP)
Schedule of Checks Returned Unpaid for Livestock (77 8-19-11)
 Entry Information

| Investigation Date | Entry | | | BNA | | | | Billing Address | | Control Number | |
|--------------------|-------------------------------|----------------|----------------|--------------------|---------------|----------------|----------|-----------------|---|----------------|-----------------------------|
| | Purchase Date | Purchased From | Number of Head | Livestock Assessed | Other Charges | Total Invoiced | Due Date | Deposit Date | Check Number | | Check Assessed |
| 9/22/12 | | | | | | | | | 19000 E. Laurel Road, London, KY 40301 | 10102912 | 10000 |
| 8/25/12 | Purman Livestock Market, Inc. | 52 | \$60,150.25 | \$0.00 | \$60,150.25 | 8/27/12 | 8/28/12 | 8807 | \$60,150.25 | 8/27/12 | 10102912 |
| | | | | | | | | | Days Late - Due Date to Date Cleared on Postpayment | 44 | Check cleared on re-deposit |
| | | | | | | | | | Date Check Returned | | Remarks |