

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

2016 JUL 19 AM 11:17

In re: ) P & S Docket No. D-16-0135 RECEIVED  
Gregg Paskewitz )  
dba Paskewitz Livestock, )  
)  
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). Therefore, pursuant to the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary under Various Statutes (7 C.F.R. § 1.130 et seq.), this complaint is issued alleging the following:

I.

- (a) Respondent Gregg Paskewitz dba Paskewitz Livestock is an individual with a business mailing address of 22270 Fairview Avenue, Lucan, MN 56255.
- (b) Respondent is and, at all times material herein, was:
  - (1) Engaged in the business of a dealer buying and selling livestock in commerce for his own account or for the account of others;
  - (2) Engaged in the business of a market agency buying livestock in commerce on a commission basis;
  - (3) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account or for the account of others; and
  - (4) Registered with the Secretary of Agriculture as a market agency to buy livestock in commerce on a commission basis.

II.

On or about the dates and in the transactions set forth below, Respondent purchased livestock from posted stockyards, and failed to pay, when due, the full purchase price of such livestock, in violation of Section 409 of the Act (7 U.S.C. § 228b).

Seller	Purchase Date	No. of Head	Livestock Amount	Payment Due Date	Date Paid	Days Late
Belgrade Livestock Auction Market	3/28/2013	20	\$19,443.30	3/29/2013	May 2014	398+
Tri-County Livestock Auction, Inc.	5/15/2013	7	\$6,125.05	5/16/2013	6/19/2013	33
Tri-County Livestock Auction, Inc.	5/22/2013	17	\$14,734.80	5/23/2013	9/13/2013	113
Belgrade Livestock Auction Market	6/6/2013	16	\$6,446.25	6/7/2013	May 2014	328+

III.

On or about the dates and in the transactions set forth below, Respondent issued checks in payment for livestock purchases, which were returned unpaid by the bank upon which they were drawn for insufficient funds (NSF). Respondent thus failed to have and maintain sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented, in violation of Section 312(a) of the Act (7 U.S.C. § 213(a)).

Seller	Purchase Date	No. of Head	Livestock Amount	Payment Due Date	Check No.	Date(s) Check Returned	Reason Check Returned
Tri-County Livestock Auction, Inc.	5/15/2013	7	\$ 6,125.05	5/16/2013	5480	5/24/2013, 5/31/2013	NSF
Tri-County Livestock Auction, Inc.	5/22/2013	17	\$ 14,734.80	5/23/2013	5490	5/31/2013, 6/7/2013	NSF

IV.

By reason of the facts alleged in paragraphs II. and III. of this Complaint, Respondent willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has in fact willfully violated the Act and the regulations promulgated thereunder, this Complaint shall be served upon Respondent. 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 shall 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 shall 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 regulations found to exist, and assessing such civil penalties against Respondent as are authorized by the Act and warranted under the circumstances.

Done at Washington, DC  
this 18<sup>th</sup> day of July, 2016

  
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SUSAN B. KEITH  
Deputy Administrator  
Packers and Stockyards Program

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