

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D- 07-0127
)
Lonnie Martin)
)
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.; hereinafter "Act"), and, therefore, this Complaint is issued alleging the following:

I.

(a) Lonnie Martin (hereinafter "Respondent") is an individual whose mailing address is 1505 Main Street, East Earl, Pennsylvania, 17519.

(b) Respondent at all times material to this Complaint was:

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

II.

Respondent, on or about the dates and in the transactions set forth below, purchased livestock and failed to pay, when due, the full purchase price of such livestock.

SUMMARY OF LIVESTOCK TRANSACTIONS

<u>Purchased From</u>	<u>Date of Purchase</u>	<u># of Head</u>	<u>Livestock Amount</u>	<u>Check Amount</u>	<u>Check Number</u>	<u>Date Due</u>	<u>Date Paid¹</u>	<u>Days Late</u>
GREENCASTLE LIVESTOCK MARKET, INC.	30-Sep-04	19	\$3,369.55	\$9,931.60	1617	01-Oct-04	7-Oct-04	6
	04-Oct-04	40	\$6,562.05			05-Oct-04		2
	07-Oct-04	26	\$4,435.95	\$4,435.95	1625	08-Oct-04	11-Oct-04	3
	15-Nov-04	33	\$6,571.90	\$6,571.90	1708	16-Nov-04	22-Nov-04	6
	06-Dec-04	37	\$7,962.45	\$7,962.45	1734	07-Dec-04	13-Dec-04	6
FOUR STATES LIVESTOCK SALES	18-Oct-04	17	\$2,753.40	\$5,693.95	1643	19-Oct-04	21-Oct-04	2
	21-Oct-04	18	\$2,940.55			22-Oct-04		0
	13-Dec-04	6	\$3,008.02	\$3,008.02	1736	14-Dec-04	15-Dec-04	1
LEBANON VALLEY LIVESTOCK MARKET	05-Oct-04	28	\$12,741.27	\$12,741.27	1627	06-Oct-04	12-Oct-04 ²	6
	16-Nov-04	29	\$12,961.58	\$12,961.58	1700	17-Nov-04	23-Nov-04 ²	6
	17-Dec-04	1	\$170.50	\$11,224.76 ³	1751	20-Dec-04	28-Dec-04 ²	8
	21-Dec-04	22	\$9,279.85			22-Dec-04		6
LEESPORT FARMERS MARKET, INC.	17-Nov-04	8	\$1,502.88	\$1,502.88	1715	18-Nov-04	30-Nov-04	12
MIDDLEBURG AREA MARKET & AUCTION, LLC	05-Oct-04	13	\$5,893.34	\$5,893.34	1622	06-Oct-04	8-Oct-04	2
	12-Oct-04	22	\$7,922.75	\$7,922.75	1636	13-Oct-04	15-Oct-04	2
NEW HOLLAND SALES STABLES, INC.	04-Oct-04	6	\$5,660.90	\$5,687.90 ⁴	1626	05-Oct-04	6-Oct-04	1
	07-Oct-04	31	\$5,100.10	\$5,100.10	1634	08-Oct-04	14-Oct-04	6
	14-Oct-04	99	\$17,713.82	\$17,713.82	1642	15-Oct-04	21-Oct-04	6
	01-Nov-04	22	\$5,688.00	\$5,688.00	1676	02-Nov-04	8-Nov-04	6
	08-Nov-04	35	\$6,911.05	\$6,911.05	1691	09-Nov-04	15-Nov-04	6
	18-Nov-04	40	\$7,997.30	\$8,030.30	1713	19-Nov-04	29-Nov-04	10
	22-Nov-04	1	\$33.00			23-Nov-04		6
	06-Dec-04	7	\$6,170.30	\$6,170.30	1733	07-Dec-04	13-Dec-04	6

¹ Unless otherwise noted, the date of check issuance is used as the date paid.

² In this transaction, the checks were dated with the proper due date but were actually hand-delivered to the market on this date.

³ Martin overpaid Lebanon Valley by \$1,774.41. This amount was credited to the following week's purchase.

⁴ Includes payment for a non-livestock charge of \$27.00.

III.

By reason of the facts alleged in paragraph II, 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 this Complaint shall be served upon Respondent for the purpose of determining whether he has willfully violated the Act. 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. 20250, 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, GIPSA, 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 be set for oral hearing in accordance with the Rules of Practice; and

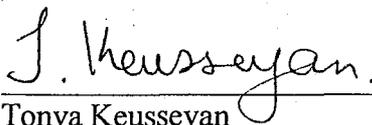
2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act found to exist and assessing such civil penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 12 day of June, 2007



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program



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