

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

7-11-26

In re:) P. & S. Docket No. D- 07-0188
)
Danny L. Johnson,)
)
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) Danny L. Johnson (hereinafter, "Respondent"), is an individual whose business mailing address is P.O. Box 806, Glasgow, Kentucky 42142.

(b) Respondent, and at all times material herein was:

(1) Engaged in the business of a dealer, buying and selling livestock for his own account, and as a market agency, buying livestock on commission; and

(2) Registered with the Secretary of Agriculture as a dealer, buying and selling livestock for his own account or the accounts of others, and as a market agency, buying livestock on commission.

II

In a consent decision issued on November 20, 2001, and signed by Respondent (In re Danny L. Johnson, Consent Decision, P. & S. Docket No. D-00-0002), Respondent agreed to cease and desist from failing to pay, when due, the full purchase price of livestock. As part of the settlement of that case, Respondent was suspended as a registrant for 21 days and assessed a civil penalty in the amount of \$2,000.00.

III

Respondent, in connection with his operations subject to the Act, in the transactions set forth below, failed to pay the full amount of the purchase price for livestock within the time period required by the Act, with the total amount remaining unpaid, as of March 2007, of at least \$39,272.61.

Seller	Purchase Date	Date Payment Due	No. of Head	Livestock Amount	Date of Partial or Full Payment
Franklin Simpson Livestock Company, Inc.	7-25-01	7-26-01	22	\$9,900.98	8-10-01
Franklin Simpson Livestock Company, Inc.	8-29-01	8-30-01	27	\$12,688.69	9-19-01 9-21-01
Franklin Simpson Livestock Company, Inc.	11-07-01	11-08-01	22	\$9,767.48	11-23-01
Mid-South Livestock Center, LLC	8-06-01	8-07-01	1	\$427.50	See notes 1-4
Mid-South Livestock Center, LLC	8-13-01	8-14-01	34	\$13,992.80	9-10-01
Mid-South Livestock Center, LLC	8-27-01	8-28-01	26	\$9,242.60	See notes 1-4
Mid-South Livestock Center, LLC	10-08-01	10-09-01	33	\$15,160.29	See notes 1-4
Mid-South Livestock Center, LLC	10-30-01	10-31-01	2	\$1,002.70	See notes 1-4
Mid-South Livestock Center, LLC	11-05-01	11-06-01	2	\$943.80	See notes 1-4
Mid-South Livestock Center, LLC	11-12-01	11-13-01	5	\$1,503.90	See notes 1-4
Mid-South Livestock Center, LLC	11-19-01	11-20-01	7	\$2,134.95	See notes 1-4
Mid-South Livestock Center, LLC	11-26-01	11-27-01	12	\$4,659.35	See notes 1-4
Mid-South Livestock Center, LLC	12-11-01	12-12-01	16	\$6,839.40	See notes 1-4
Mid-South Livestock Center, LLC	1-15-02	1-16-02	14	\$5,544.20	See notes 1-4
Mid-South Livestock Center, LLC	1-21-02	1-22-02	11	\$6,020.91	See notes 1-4
Mid-South Livestock Center, LLC	1-28-02	1-29-02	4	\$1,772.15	See notes 1-4
Mid-South Livestock Center, LLC	2-11-02	2-12-02	4	\$1,847.95	See notes 1-4
Mid-South Livestock Center, LLC	2-19-02	2-20-02	5	\$1,987.50	See notes 1-4
Mid-South Livestock Center, LLC	2-25-02	2-26-02	3	\$1,359.75	See notes 1-4
Mid-South Livestock Center, LLC	3-04-02	3-05-02	3	\$1,218.90	See note 5

Seller	Purchase Date	Date Payment Due	No. of Head	Livestock Amount	Date of Partial or Full Payment
Mid-South Livestock Center, LLC	3-11-02	3-12-02	10	\$3,907.30	See note 5
Mid-South Livestock Center, LLC	3-18-02	3-19-02	2	\$979.33	See note 5
Mid-South Livestock Center, LLC	3-25-02	3-26-02	8	\$3,387.98	See note 5
Mid-South Livestock Center, LLC	4-01-02	4-02-02	4	\$2,195.45	See note 5
Owed to Mid-South Livestock Center, LLC as of September 2005					\$13,711.85
Wilson County Livestock Market, Inc.	7-20-00	7-21-00	47	\$19,396.18	See notes 6, 7, 8
Wilson County Livestock Market, Inc.	8-03-00	8-04-00	46	\$21,563.60	See notes 6, 7, 8
Wilson County Livestock Market, Inc.	9-07-00	9-08-00	105	\$51,245.22	See notes 6, 7, 8
Wilson County Livestock Market, Inc.	10-13-00	10-16-00	47	\$19,110.78	See notes 6, 7, 8
Wilson County Livestock Market, Inc.	8-16-01	8-17-01	28	\$12,977.66	10-11-01
Wilson County Livestock Market, Inc.	8-30-01	8-31-01	26	\$10,605.81	9-17-01
Owed to Wilson County Livestock Market, Inc. as of January 2006					\$25,560.76

Note 1 - Wire transfer dated 1-25-02 in the amount of \$29,165.64

Note 2 - 2002-2003 commissions of \$15,020.74.

Note 3 - 2004 commissions of \$8,638.58.

Note 4 - 2005 commissions of \$5,599.10.

Note 5 - Unpaid as of September 2005.

Note 6 - On August 14, 2002, \$4,439.33 applied to Respondent's debt resulting from livestock sold by Respondent.

Note 7 - On June 11, 2003, \$11,548.06 applied to Respondent's debt resulting from livestock sold by Respondent.

Note 8 - Additional payments made by Respondent subsequent to February 9, 2005.

IV

Respondent, in connection with his operations subject to the Act, on or about the dates and in the transactions set forth below, issued checks in purported payment for the purchase of livestock, which checks were returned unpaid by the bank upon which they were drawn because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which they were drawn to pay such checks when presented.

Seller	Purchase Date	No. of Head	Livestock Amount	Check Number	Date of NSF Check
Franklin Simpson Livestock Company, Inc.	7-25-01	22	\$9,900.98	69368	7-24-01
Franklin Simpson Livestock Company, Inc.	8-29-01	27	\$12,688.69	69428	8-29-01
Franklin Simpson Livestock Company, Inc.	11-07-01	22	\$9,767.48	169	11-07-01
Mid-South Livestock Center, LLC	8-06-01	1	\$427.50	205	1-03-02
Mid-South Livestock Center, LLC	8-13-01	34	\$13,992.80	69413	8-20-01
Mid-South Livestock Center, LLC	8-27-01	26	\$9,242.60	205	1-03-02
Mid-South Livestock Center, LLC	10-08-01	33	\$15,160.29	205	1-03-02
Mid-South Livestock Center, LLC	10-30-01	2	\$1,002.70	205	1-03-02
Mid-South Livestock Center, LLC	11-05-01	2	\$943.80	205	1-03-02
Mid-South Livestock Center, LLC	11-12-01	5	\$1,503.90	205	1-03-02
Wilson County Livestock Market, Inc.	8-16-01	31	\$12,977.66	69408	8-16-01
				69435	8-31-01
				110	9-25-01
Wilson County Livestock Market, Inc.	8-30-01	26	\$10,605.81	69436	8-30-01

V

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).

By reason of the facts alleged in paragraph IV herein, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)).

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 an order be issued requiring Respondent to cease and desist from the violations found to exist.

Done at Washington, D.C.

this 7 day of September 2007



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



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