

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Mark Wright,

Respondent

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P & S Docket No. D-07-0193

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 referred to as the "Act"), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.; hereinafter referred to as the "Regulations"), therefore, this complaint is issued alleging the following:

I.

(a) Mark Wright, hereinafter referred to as "Respondent," is an individual whose mailing address is 98 4 Springer, New Mexico 87747.

(b) At all times material herein, Respondent was:

- (1) Engaged in the business of buying livestock in commerce on a commission basis; and
- (2) Not registered as a market agency with the Secretary of Agriculture; and
- (3) At all times material to this complaint, operating as a market agency within the jurisdiction of the Secretary.

## II.

Respondent was notified by certified letter, on December 21, 2005, that the Packers and Stockyards Program had information indicating Respondent may have been engaging in livestock operations covered by the Act without being registered with the Secretary. The letter referenced section 303 of the Act (7 U.S.C. § 203), 7 U.S.C § 204, and 9 C.F.R §§ 201.10 and 201.27- 201.34, and notified the Respondent of his obligation to file an application for registration and proof of suitable bond or bond equivalent with Packers and Stockyards Program before engaging in any operations subject to the Act.

From February 2006 to November 2006 representatives of Packers and Stockyards Program spoke to Respondent on the telephone five times regarding his business practices and his need to obtain a bond as required by the Act. On November 8, 2006, a Packers and Stockyards Program representative personally met with Respondent and instructed him to submit the required registration and bonding information and to refrain from engaging in activities subject to the Act until the registration and bonding requirements had been met. Notwithstanding such notice, Respondent continued to engage in the business of buying livestock on a commission basis without registering with the Secretary or maintaining an adequate bond as required by the Act and the Regulations.

## III.

On or about the dates and in the transactions set forth below, Respondent engaged in the business of buying livestock in commerce on a commission basis without being registered with the Secretary and without maintaining an adequate bond or bond equivalent. The transactions occurred at Five States Livestock Auction Inc., a posted stockyard in New Mexico.

## Summary of Livestock Transactions for Mark Wright

<u>Date of Purchase</u>	<u>Purchased For</u>	<u>No. of Head</u>	<u>Amount of Livestock Purchase</u>	<u>Commissions</u>
2/15/2006	Todd Jensen - Bar J Livestock - Cleveland, UT	21	\$ 12,450.00	\$ 212.00
2/22/2006	Todd Jensen - Bar J Livestock - Cleveland, UT	29	\$ 22,400.00	\$ 435.00
3/1/2006	Billy Lutz - Sedan, NM	5	\$ 2,735.00	\$ 44.00
3/8/2006	Billy Lutz - Sedan, NM	8	\$ 5,350.00	\$ 88.00
3/15/2006	Jeremy Carson - Carson Cattle - Forgan, OK	23	\$ 10,963.60	\$ 200.00
3/22/2006	Jeremy Carson - Carson Cattle - Forgan, OK	25	\$ 17,840.00	\$ 320.00
4/5/2006	Steven Mueller - Clearwater, NE	67	\$ 30,566.10	\$ 620.00
4/12/2006	Steven Mueller - Clearwater, NE	78	\$ 32,775.00	\$ 675.00
4/19/2006	Robert McDaniel - Jet, OK	78	\$ 27,140.00	\$ 655.00
5/10/2006	Steven Mueller - Clearwater, NE	90	\$ 39,700.00	\$ 1,175.00
5/24/2006	Patrick McCullough - St. Paul, MN	54	\$ 23,805.00	\$ 1,335.00
5/31/2006	Kevin Ambrosy - Bellevue, IA	74	\$ 37,362.50	\$ 688.00
8/16/2006	A&E Land & Cattle Co. (Earl Ansley) - Hugoton, TX	25	\$ 10,635.00	\$ 200.00
	Jerry Lobley - Texline, TX	2	\$ 1,013.20	\$ 5.00
8/30/2006	Schrader Bros. - Carroll, IA	70	\$ 34,630.00	\$ 500.00
	Michael Gard - Texline, TX	2	\$ 975.00	\$ 90.00
	Jerry Lobley - Texline, TX	16	\$ 9,012.15	\$ 40.00
	<b>TOTALS</b>	<b>667</b>	<b>\$ 319,352.55</b>	<b>\$ 7,282.00</b>

IV.

By reason of the facts alleged in paragraphs II and III, Respondent has 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 Respondent for the purpose of determining whether Respondent has willfully violated the Act and Regulations. 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 Proceedings Under the Act (7 C.F.R. § 1.130 et seq.; "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.

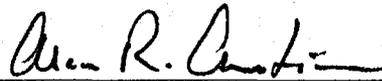
Packers and Stockyards Program, GIPSA, requests:

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

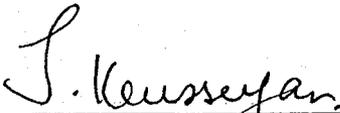
2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act found to exist, and assessing such civil penalty, as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 13 day of September, 2007



Alan R. Christian  
Deputy Administrator,  
Packers and Stockyards Program



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