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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P & S Docket No. 13- 0123  
)  
Tim Rowan, )  
)  
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), and, therefore, this complaint is issued alleging the following:

I.

- (a) Tim Rowan (Respondent) is an individual whose mailing address is PO Box 1242, New Albany, MS 38652.
- (b) At all times material herein, Respondent was:
- (1) Engaged in the business of a dealer buying and selling livestock in commerce for his own account;
  - (2) Not registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account;<sup>1</sup> and
  - (3) Operating subject to the Act within the jurisdiction of the Secretary of Agriculture.

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<sup>1</sup> Respondent was previously registered as a dealer but his registration expired pursuant to section 201.10 of the Regulations (9 C.F.R. § 201.10) due to Respondent's failure to file an Annual Report of Dealer or Market Agency Buying on Commission for the calendar year ending December 31, 2009. Respondent was served with a Registration Expiration Notice on December 14, 2010.

## II.

(a) Respondent, in connection with his operations subject to the Act, on or about the dates and in the transactions set forth in Appendix A and incorporated herein by reference, issued checks in payment for livestock purchases, 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 such checks were drawn to pay such checks when presented.

(b) Respondent, in connection with his operations subject to the Act, on or about the dates and in the transactions set forth in Appendix A and incorporated herein by reference, purchased livestock and failed to pay, when due, the full purchase price for such livestock. Respondent purchased the livestock at Tennessee Livestock Producers, Inc., d/b/a Somerville Livestock Sales, Somerville, Tennessee and Tadlock Stockyards, Inc., Forest, Mississippi, both posted stockyards.

## 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 the Respondent for the purpose of determining whether Respondent 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, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250-9200, 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.) (Rules of Practice). Allegations not answered shall be

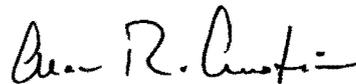
deemed admitted for the purpose of this proceeding. Failure to file an answer will constitute an admission of all the material allegations of this complaint.

The Packers and Stockyards Program, 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 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 against Respondent as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 12 day of December, 2012



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Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Program

Leah C. Battaglioli  
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APPENDIX A



**US Department of Agriculture**  
**Grain Inspection, Packers and Stockyards Administration**  
**Packers and Stockyards Program (P&SP)**  
**Schedule of Checks Returned Unpaid for Livestock (V7 5-19-11)**  
**Entity Information**

Investigation Date	Entity					DBA				Mailing Address					
6/23/2011	Tim Rowan									P. O. Box 1242 New Albany, MS 38652					
Purchase Date	Seller's Name	Number of Head	Livestock Amount	Other Charges	Total Amount	Due Date	Payment Date Written on Check	Check Number	Check Amount	Date Deposited	Date Check Returned	Reason Returned	Days Payment Late	Remarks	
1/4/2011	Tennessee Livestock Producers, Inc., d/b/a Somerville Livestock Sales Somerville, Tennessee	35	\$15,660.74	\$0.00	\$15,660.74	1/5/2011	1/4/2011	4526	\$15,660.74	1/7/2011	1/13/2011	NSF		Check #4526 drawn on Billy Rowan's account (Billy Rowan is Respondent's father) was deposited for the first time on 1/7/11 and was returned NSF on 1/13/11. Market redeposited the check on 1/18/11 and received credit for the deposit the same day.	
							1/4/2011	4526	\$15,660.74	1/18/2011			13		
1/18/2011	Tennessee Livestock Producers, Inc., d/b/a Somerville Livestock Sales Somerville, Tennessee	17	\$9,218.03	\$0.00	\$9,218.03	1/19/2011	1/18/2011	100	\$9,218.03	1/20/2011	1/25/2011	NSF		Check #100 drawn on Billy Rowan's account was deposited for the first time on 1/20/11 and was returned NSF on 1/25/11. Market redeposited the check on 1/31/11 and it was returned NSF on 2/3/11. Market redeposited the check on 2/7/11 and received credit for the deposit the same day.	
							1/18/2011	100	\$9,218.03	1/31/2011	2/3/2011	NSF			
							1/18/2011	100	\$9,218.03	2/7/2011			19		
1/25/2011	Tennessee Livestock Producers, Inc., d/b/a Somerville Livestock Sales Somerville, Tennessee	24	\$11,136.09	\$0.00	\$11,136.09	1/26/2011	1/25/2011	No Number	\$11,136.09	1/28/2011	2/2/2011	NSF		Check (no number) drawn on Billy Rowan's account was deposited for the first time on 1/28/11 and was returned NSF on 2/2/11. Market redeposited the check on 2/7/11 and it was returned NSF on 2/10/11. Market redeposited the check on 2/14/11 and received credit for the deposit the same day.	
							1/25/2011	No Number	\$11,136.09	2/7/2011	2/10/2011	NSF			
							1/25/2011	No Number	\$11,136.09	2/14/2011			19		
2/1/2011	Tennessee Livestock Producers, Inc., d/b/a Somerville Livestock Sales Somerville, Tennessee	34	\$11,512.88	\$0.00	\$11,512.88	2/2/2011	1/31/2011	No Number	\$11,512.88	2/4/2011	2/9/2011	NSF		Check (no number) drawn on Billy Rowan's account was deposited for the first time on 2/4/11 and was returned NSF on 2/9/11. Market redeposited the check on 2/14/11 and it was returned NSF on 2/17/11. Market redeposited the check on 2/22/11 and received credit for the deposit the same day.	
							1/31/2011	No Number	\$11,512.88	2/14/2011	2/17/2011	NSF			
							1/31/2011	No Number	\$11,512.88	2/22/2011			20		

Purchase Date	Seller's Name	Number of Head	Livestock Amount	Other Charges	Total Amount	Due Date	Payment Date Written on Check	Check Number	Check Amount	Date Deposited	Date Check Returned	Reason Returned	Days Payment Late	Remarks
2/15/2011	Tennessee Livestock Producers, Inc., d/b/a Somerville Livestock Sales Somerville, Tennessee	49	\$21,866.93	-\$211.20	\$21,455.73	2/16/2011	2/15/2011	4723	\$21,455.73	2/22/2011	2/25/2011	NSF		Check #4723 drawn on Billy Rowan's account was deposited for the first time on 2/22/11 and was returned NSF on 2/25/11. Market redeposited the check on 2/28/11 and it was returned NSF on 3/3/11. Market redeposited the check on 3/7/11 and it was returned NSF on 3/10/11. Bank requested new check be written as it would not allow market to deposit check again. Market was given check #4787 drawn on Billy Rowan's account for \$1,703.79 and two third party cashier's checks, #5758 for \$10,789.56, and #5759 for \$8,962.38, from Southeastern Provision, LLC. Market deposited all three checks on 3/16/11 and received credit for the deposit the same day.
							2/15/2011	4723	\$21,455.73	2/28/2011	3/3/2011	NSF		
							2/15/2011	4723	\$21,455.73	3/7/2011	3/10/2011	NSF		
							3/10/2011	5758	\$10,789.56	3/16/2011				
							3/10/2011	5759	\$8,962.38	3/16/2011				
							3/15/2011	4787	\$1,703.79	3/16/2011			28	
2/22/2011	Tennessee Livestock Producers, Inc., d/b/a Somerville Livestock Sales Somerville, Tennessee	34	\$16,570.16	-\$473.50	\$16,096.66	2/23/2011	2/22/2011	4743	\$16,096.66	2/28/2011	3/3/2011	NSF		Check #4743 drawn on Billy Rowan's account was deposited for the first time on 2/28/11 and was returned NSF on 3/3/11. Market redeposited the check on 3/7/11 and it was returned NSF on 3/10/11. Market redeposited the check on 3/14/11 and it was returned NSF on 3/17/11. Market redeposited the check on 3/21/11 and received credit for the deposit the same day.
							2/22/2011	4743	\$16,096.66	3/7/2011	3/10/2011	NSF		
							2/22/2011	4743	\$16,096.66	3/14/2011	3/17/2011	NSF		
							2/22/2011	4743	\$16,096.66	3/21/2011			26	
3/15/2011	Tennessee Livestock Producers, Inc., d/b/a Somerville Livestock Sales Somerville, Tennessee	22	\$12,030.43	\$0.00	\$12,030.43	3/16/2011	3/15/2011	4788	\$12,030.43	3/21/2011	3/24/2011	NSF		Check #4788 drawn on Billy Rowan's account was deposited for the first time on 3/21/11 and was returned NSF on 3/24/11. Market redeposited the check on 3/28/11 and it was returned NSF on 3/31/11. Market redeposited the check on 4/4/11 and it was returned NSF on 4/7/11. Bank requested new check be written as it would not allow market to deposit check again. Market was given check #4553 drawn on Billy Rowan's account for \$12,030.43. Market deposited the check for the first time on 4/13/11 and it was returned NSF on 4/18/11. Market redeposited the check on 4/20/11 and it was returned NSF on 4/25/11. Market redeposited the check on 4/27/11 and received credit for the deposit the same day.
							3/15/2011	4788	\$12,030.43	3/28/2011	3/31/2011	NSF		
							3/15/2011	4788	\$12,030.43	4/4/2011	4/7/2011	NSF		
							4/12/2011	4553	\$12,030.43	4/13/2011	4/18/2011	NSF		
							4/12/2011	4553	\$12,030.43	4/20/2011	4/25/2011	NSF		
							4/12/2011	4553	\$12,030.43	4/27/2011			42	
3/22/2011	Tennessee Livestock Producers, Inc., d/b/a Somerville Livestock Sales Somerville, Tennessee	32	\$16,243.55	-\$585.00	\$15,658.55	3/23/2011	3/22/2011	4810	\$15,658.55	3/28/2011	3/31/2011	NSF		Check #4810 drawn on Billy Rowan's account was deposited for the first time on 3/28/11 and was returned NSF on 3/31/11. Market redeposited the check on 4/4/11 and received credit for the deposit the same day.
							3/22/2011	4810	\$15,658.55	4/4/2011			12	

Purchase Date	Seller's Name	Number of Head	Livestock Amount	Other Charges	Total Amount	Due Date	Payment Date Written on Check	Check Number	Check Amount	Date Deposited	Date Check Returned	Reason Returned	Days Payment Late	Remarks
4/5/2011	Tennessee Livestock Producers, Inc., d/b/a Somerville Livestock Sales Somerville, Tennessee	12	\$6,285.86	\$0.00	\$6,285.86	4/6/2011	4/5/2011	4849	\$6,285.86	4/11/2011	4/14/2011	NSF		Check #4849 drawn on Billy Rowan's account was deposited for the first time on 4/11/11 and was returned NSF on 4/14/11. Market redeposited the check on 4/19/11 and it was returned NSF on 4/22/11. Market redeposited the check on 4/25/11 and it was returned NSF on 4/28/11. A new check, check #1124, was issued on 5/3/11 drawn on Tim Rowan's account. Market deposited check #1124 for the first time on 5/4/11 and it was returned NSF on 5/9/11. Market redeposited the check on 5/11/11 and it was returned NSF on 5/16/11. Market redeposited the check on 5/18/11 and it was returned NSF on 5/23/11. Market received certified check #149034 drawn on Billy Rowan's account on 5/31/11. Market deposited the check on 6/1/11 and received credit for the deposit the same day.
							4/5/2011	4849	\$6,285.86	4/19/2011	4/22/2011	NSF		
							4/5/2011	4849	\$6,285.86	4/25/2011	4/28/2011	NSF		
							5/3/2011	1124	\$6,295.86	5/4/2011	5/9/2011	NSF		
							5/3/2011	1124	\$6,295.86	5/11/2011	5/16/2011	NSF		
							5/3/2011	1124	\$6,295.86	5/18/2011	5/23/2011	NSF		
							5/31/2011	149034	\$6,285.86	6/1/2011			56	
4/12/2011	Tennessee Livestock Producers, Inc., d/b/a Somerville Livestock Sales Somerville, Tennessee	31	\$17,813.65	\$0.00	\$17,813.65	4/13/2011	4/12/2011	4580	\$17,813.65	4/15/2011	4/20/2011	NSF		Check #4580 drawn on Billy Rowan's account was deposited for the first time on 4/15/11 and was returned NSF on 4/20/11. Market redeposited the check on 4/25/11 and it was returned NSF on 4/28/11. Market received two new checks, check #1125 and check #1126 for \$8,911.83 each, issued on 5/3/11 and drawn on Tim Rowan's account. Market deposited both checks for the first time on 5/9/11 and both checks were returned NSF on 5/12/11. Both checks were redeposited on 5/16/11 and both checks were returned NSF on 5/19/11. Both checks were redeposited on 5/25/11 and both checks were returned NSF on 5/19/11. Market received a new check, check #4908, issued on 6/6/11 for the full amount of the purchase price drawn on Billy Rowan's account. Market deposited check #4908 for the first time on 6/6/11 and it was returned NSF on 6/9/11. Market redeposited the check on 6/13/11 and it was returned NSF on 6/16/11. Market received a certified check, check #149088, drawn on Billy Rowan's account in the amount of \$5,937.88 and issued on 6/28/11. Market deposited check #149088 on 6/30/11 and received credit for the deposit on the same day. Per conversations with market personnel, Respondent completed payment for this purchase by a payment of \$11,813.65 which was received and deposited on 2/28/12.
							4/12/2011	4580	\$17,813.65	4/25/2011	4/28/2011	NSF		
							5/3/2011	1125	\$8,911.83	5/9/2011	5/12/2011	NSF		
							5/3/2011	1126	\$8,911.83	5/9/2011	5/12/2011	NSF		
							5/3/2011	1125	\$8,911.83	5/16/2011	5/19/2011	NSF		
							5/3/2011	1126	\$8,911.83	5/16/2011	5/19/2011	NSF		
							5/3/2011	1125	\$8,911.83	5/25/2011	5/31/2011	Closed Account		
							5/3/2011	1126	\$8,911.83	5/25/2011	5/31/2011	Closed Account		
							6/6/2011	4908	\$17,823.66	6/6/2011	6/9/2011	NSF		
							6/6/2011	4908	\$17,823.66	6/13/2011	6/16/2011	NSF		
							6/28/2011	149088	\$5,937.88	6/30/2011				
									\$11,813.65	2/28/2012			321	

Purchase Date	Seller's Name	Number of Head	Livestock Amount	Other Charges	Total Amount	Due Date	Payment Date Written on Check	Check Number	Check Amount	Date Deposited	Date Check Returned	Reason Returned	Days Payment Late	Remarks
5/10/2011	Tennessee Livestock Producers, Inc., d/b/a Somerville Livestock Sales Somerville, Tennessee	25	\$15,134.85	\$0.00	\$15,134.85	5/11/2011	5/10/2011	4855	\$15,134.85	5/16/2011	5/19/2011	NSF		Check #4855 drawn on Billy Rowan's account was deposited for the first time on 5/16/11 and was returned NSF on 5/19/11. Market redeposited the check on 5/25/11 and it was returned NSF on 5/31/11. Market received a certified check, check #149035, issued on 5/31/11 and drawn on Billy Rowan's account. Market deposited check #149035 on 6/6/11 and received credit for the deposit the same day.
							5/10/2011	4855	\$15,134.85	5/25/2011	5/31/2011	NSF		
							5/31/2011	149035	\$15,134.85	6/6/2011			20*	
5/16/2011	Tadlock Stockyards, Inc., Forest, Mississippi	16	\$7,128.53	\$98.06	\$7,226.59	5/17/2011		4948	\$7,400.00	6/9/2011	6/14/2011	NSF		Check #4948 (no date written on check) drawn on Billy Rowan's account was a replacement check, per David Tadlock, owner Tadlock Stockyards, Inc., given to the market to replace the original check Billy Rowan had issued for the invoice. Mr. Tadlock said the first check was returned NSF but he did not have a copy of the check. According to Mr. Tadlock, check #4948 included additional monies to pay back the market for bank chargeback fees that the market incurred. Check #4948 was deposited for the first time on 6/9/11 and it was returned NSF on 6/14/11. Market redeposited the check on 6/15/11 and it was returned NSF on 6/20/11. Per conversations with market personnel, Respondent made 4 payments from September 2011 through January 2012 and completed payment for the purchase on January 16, 2012.
								4948	\$7,400.00	6/15/2011	6/20/2011	NSF	244	
									\$3,600.00	09/08/11				
									\$1,000.00	10/28/11				
									\$1,000.00	11/28/11				
									\$1,626.59	01/16/12				
5/30/2011	Tadlock Stockyards, Inc., Forest, Mississippi	9	\$3,273.15	\$47.59	\$3,320.74	5/31/2011		4947	\$3,320.74	6/9/2011	6/14/2011	NSF		Check #4947 (no date written on check) drawn on Billy Rowan's account was deposited for the first time on 6/9/11 and it was returned NSF on 6/14/11. Market redeposited the check on 6/15/11 and it was returned NSF on 6/20/11. Market received a certified check (no copy of check) from Billy Rowan on 7/13/11. Market deposited the check on 7/13/11 and received credit for the deposit the same day.
								4947	\$3,320.74	6/15/2011	6/20/2011	NSF		
									\$3,320.74	7/13/2011			43	

\* Using issue date of the certified check as the date paid instead of the deposit date due to the unexplained delay of 6 days between the issue date and the deposit date.