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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P&S Docket No. 13 - 0183
)
Don Harris Buying Station, Inc.,)
Don Harris and Nancy Harris.)
)
Respondents) Complaint

There is reason to believe that the respondents named herein have willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.), and, therefore, this complaint is issued alleging the following:

I

(a) Don Harris Buying Station, Inc., referred to herein as the corporate respondent, is a corporation organized and existing under the laws of the State of Idaho, with a business mailing address of 30 S. 350 W, Jerome, Idaho 83338.

(b) The corporate respondent, at all times material herein was:

(1) Engaged in the business of a dealer buying and selling livestock in commerce for its own account.

(2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency to buy livestock in commerce on a commission basis.

(c) Respondent Don Harris is an individual whose business mailing address is 30 S. 350 W, Jerome, Idaho 83338.

(d) Respondent Don Harris, at all times material herein was:

(1) President and 50% owner of the corporate respondent;

(2) In conjunction with the respondent Nancy Harris, responsible for the direction, management and control of the corporate respondent; and

(3) A dealer within the meaning of and subject to the provisions of the Act.

(e) Respondent Nancy Harris, is an individual whose business mailing address is 30 S. 350 W, Jerome, Idaho 83338.

(f) Respondent Nancy Harris, at all times material herein, was:

(1) Vice-President and owner of 50% of the corporate respondent;

(2) In conjunction with the respondent Don Harris, responsible for the direction, management and control of the corporate respondent; and

(3) A dealer within the meaning of and subject to the provisions of the Act.

II

(a) During the period from July 15, 2008, through at least June 15, 2011, in thirty eight separate transactions set forth in Appendix A attached hereto, respondents

purchased a total of 190 head of livestock from sellers, and failed to pay, when due, the \$114,084.84 purchase price for such livestock.

(b) As of the date of the filing of this complaint, there remained unpaid a total of \$40,233.97 for these livestock purchases.

III

In twenty of the transactions referred to in paragraph II and set forth in Appendix A attached hereto, respondents issued checks in the amount of \$77,628.78 in payment for livestock, and such checks were returned unpaid by the bank because respondents 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 for payment.

IV

By reason of the facts alleged in paragraphs II and III of the complaint, the respondents willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228(b), and section 201.43 of the regulations (9 C.F.R. § 201.43).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act, this complaint shall be served upon the respondents. The respondents shall have twenty (20) days following receipt of this complaint to file an answer with the Hearing Clerk, Room 1031 - South Building, United States Department of Agriculture, 1400 Independence S.W., Washington, D.C.

20250-9200, in accordance with the Rules of Practice governing the 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 Grain Inspection, Packers and Stockyards Administration, requests:

1. That unless the respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice governing proceedings under the Act; and
2. That such order or orders be issued, including an order-requiring the respondents to cease and desist from the violations of the Act and the regulations found to exist, suspending respondents as registrants under the Act for a specified period of time, and assessing such civil penalties against respondents as are authorized by the Act and warranted in the circumstances.

Done at Washington, D.C.

this 27th day of February 2013

Susan B. Keith
Susan B. Keith
Acting Deputy Administrator
Packers and Stockyards Program

Rick Herndon
Attorney for Complainant
1400 Independence Avenue, S.W.
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Washington, D.C. 20250
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Appendix A

<u>Purchase Date</u>	<u>Seller/ Payee</u>	<u>Invoice Amount</u>	<u>Payment</u>
6/10/11	Aardema Dairy #2	\$3,076.35	Check/NSF
6/2/11	Aardema Dairy #5	\$35,114.80	Check/NSF
6/8/11	Aardema Dairy #5	\$5,293.84	
6/10/11	Aardema Dairy #5	\$1,716.00	Check/NSF
1/12/10	Aardema Dairy #7	\$45.55	
6/10/11	Aardema Dairy #7	\$966.48	Check/NSF
12/2/09	Canyon Crest Dairy	\$958.76	
6/9/11	Canyon Crest Dairy	\$5,743.41	
6/7/11	Double A Dairy	\$3,789.37	
6/13/11	Double A Dairy	\$1,210.09	Check/NSF
6/14/11	County Line Dairy	\$1,614.93	Check/NSF
5/23/11	Dugan Dairy	\$786.74	
5/26/11	Dugan Dairy	\$1,885.78	
6/14/11	Dugan Dairy	\$777.29	
4/20/10	Helmeck Ranch	\$557.08	
7/15/08	John Busman	\$1,128.08	
7/17/08	John Busman	\$665.85	
6/7/11	John Busman	\$2,796.82	Check/NSF
6/3/11	K&W Dairy	\$918.21	Check/NSF
6/7/11	Kenny Vanderham	\$394.99	

6/13/11	Kenny Vanderham	\$1,051.80	
5/31/11	Mid Valley Dairy	\$1,351.77	Check/NSF
6/1/11	Mid Valley Dairy	\$1,454.87	Check/NSF
6/6/11	Mid Valley Dairy	\$6,605.72	Check/NSF
6/15/11	Mid Valley Dairy	\$4,677.15	
2/17/11	Silva Dairy	\$1,950.98	
5/16/11	Silva Dairy	\$3,733.86	
5/27/11	Ted Baar Dairy	\$947.55	Check/NSF
6/10/11	Ted Baar Dairy	\$1,538.10	
6/13/11	Ted Baar Dairy	\$1,441.43	
5/25/11	Ted Miller Dairy	\$4,007.69	Check/NSF
5/31/11	Ted Miller Dairy	\$219.81	Check/NSF
6/1/11	Ted Miller Dairy	\$498.89	Check/NSF
6/6/11	Ted Miller Dairy	\$1,482.59	Check/NSF
6/8/11	Ted Miller Dairy	\$3,188.14	Check/NSF
6/10/11	Ted Miller Dairy	\$1,669.58	Check/NSF
6/13/11	Ted Miller Dairy	\$2,313.67	Check/NSF
6/10/11	VanBeek Dairy	\$6,474.82	Check/NSF

Total Amount of Purchases: \$114,048.84

**Amount Paid to Sellers by Bond
After Payment Due Date: \$73,814.87**

Amount Unpaid: \$40,233.97