

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) P&S Docket No. D-13-  
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)  
)  
Orange Livestock Market, Inc.)  
And Joseph K. Howell )  
)  
Respondents ) Complaint

There is reason to believe that the respondents named herein have willfully violated the Packers & 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) Respondent Orange Livestock Market, Inc. is a corporation organized under the laws of the Commonwealth of Virginia, with a physical address of 15415 James Madison Highway, Orange, Virginia 22960; and a mailing address of P.O. Box 226, Orange, Virginia 22960.
- (b) Respondent Joseph K. Howell is, and at all times material herein was:
  - (1) President of respondent Orange Livestock Market, Inc.;
  - (2) Owner of 100% of the stock issued by respondent Orange Livestock Market, Inc.;
  - (3) Responsible for the direction, management and control of respondent Orange Livestock Market, Inc.
- (c) Respondent Orange Livestock Market, Inc., under the direction, management, and control of respondent Joseph K. Howell, is, and at all times material herein was:

- (1) Engaged in the business of a market agency buying and selling livestock on a commission basis in commerce;
- (2) Engaged in the business of a dealer buying and selling livestock in commerce;
- (3) Registered with the Secretary of Agriculture as a market agency to buy and sell livestock on a commission basis in commerce, and registered as a dealer to buy and sell livestock in commerce.

## II.

During the period from May, 2009 through May, 2010, in seven transactions involving the purchase of a total of 130 head of livestock at Carolina Stockyard Company, Inc. of Siler City, North Carolina, for an approximate purchase price of \$59,358.50, the respondents failed to pay the full amount of the livestock purchase prices, in violation of sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b).

## III

During the period of January, 2012 through July, 2012, in eight transactions involving the purchase of 104 head of livestock at Harward Brothers Livestock Market of Oakboro, North Carolina for a total purchase price of \$74,795, the respondents failed to pay, when due, the full amount of the livestock purchase prices within the time period required by the Act, in violation of sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b). Respondents remitted payment between six and thirteen days late for these transactions.

## IV.

(a) On April 9, 2012 and June 16, 2012, the respondents issued two insufficient funds checks, one in the amount of \$11,256.55 and the other in the amount of \$12,035.50, to Harward Brothers Livestock Market in payment for livestock purchases. On July 26, 2012, the respondents issued one insufficient funds check, in the amount of \$16,770.21, to Fauquier

Livestock Exchange in payment for livestock purchases. The respondents thus 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, in violation of section 312(a) of the Act (7 U.S.C. § 213(a)).

(b) By issuing the insufficient fund checks on the dates referenced in Count IV(a) of this complaint, the respondents also failed to pay, when due, the full amount of the livestock purchase prices within the time period required by the Act, in violation of sections 312(a) and 409 of the Act (7 U.S.C. § 213(a) and 228b).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and regulations issued thereunder, 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 Ave., 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 will constitute an admission of all the material allegations in this complaint and a waiver of hearing.

The Grain Inspection, Packers and Stockyards Administration, Packers and Stockyards Program, requests:

1. That unless the respondents fail to file an answer within the time allowed, 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; and

2. That an order be issued requiring the respondents to cease and desist from the violations of the Act and the regulations found to exist; suspending the respondents as registrants under the Act and prohibiting the respondent, for a specified period, from engaging in business in any capacity for which registration and bonding are required under the Act; and assessing such civil penalties against the respondents as are authorized by the Act and warranted by the facts and circumstances of this case.

Done at Washington, D.C.

this 9<sup>th</sup> day of April, 2013

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

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