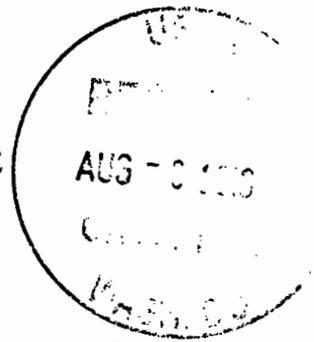


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P&S Docket No. D-13- 317
)
Michael Allen Hatcher,)
)
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) Michael Allen Hatcher, referred to herein as the respondent, is an individual whose business mailing address is P.O. Box 517, 307 Holmes Bend Road, Columbia, Kentucky 42728.

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

(1) Engaged in the business of a dealer, buying and selling livestock in commerce for his own account;

(2) Engaged in the business of a market agency buying livestock in commerce on a commission basis; and

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

II

On June 26, 2002, a Consent Decision was issued against the respondent in *In re: Mammoth Cave Dairy Auction, Inc., Kenneth F. Deputy, and Michael Allen Hatcher*, P&S Docket No. D-02-0004. The Order was consented to and signed by, among others, the respondent; and became final and effective on July 1, 2002. The Order, in part, directed the respondent, in connection with his operations subject to the Act, to cease and desist from: issuing checks in purported payment of livestock purchases without having sufficient funds on deposit and available in the account upon which such checks are drawn to pay such checks when presented; failing to pay, when due, for livestock purchases; and failing to pay for purchases of livestock. The Order suspended the respondent as a registrant for a period of thirty-five days, and also assessed the respondent a civil penalty in the amount of sixty-six thousand dollars (\$66,000.00).

III

(a) Between April 1 and May 21, 2012, the respondent purchased livestock from Cattlemen's Livestock Market, LLC, in Rockfield, Kentucky (Cattlemen's); Farmers Livestock Market of Glasgow, Inc., in Russell Springs, Kentucky (Farmers); United Producers, Inc., in Bowling Green, Kentucky (United); and Washington Co. Livestock Center, Inc., in Springfield, Kentucky (Washington). The respondent did not enter into a credit agreement with any of these livestock sellers.

(b) The respondent purchased in 10 separate transactions \$84,155.60 worth of livestock, and failed to pay, when due, the full purchase price of such livestock, to the livestock sellers specified in (a) above. Specifically, the respondent remitted payment:

- (1) 6 days late for cattle purchased from Cattlemen's on April 2, 2012, in the amount of \$20,703.07;
- (2) 4 days late for cattle purchased from Washington on April 27, 2012, in the amount of \$7,210.21;
- (3) 1 day late for cattle purchased from United on May 1, 2012, in the amount of \$1,323.00;
- (4) 6 days late for cattle purchased from Farmers on May 7, 2012, in the amount of \$13,310.71;
- (5) 1 day late for cattle purchased from United on May 8, 2012, in the amount of \$2,285.23;
- (6) 1 day late for cattle purchased from Washington on May 11, 2012, in the amount of \$11,699.33;
- (7) 6 days late for cattle purchased from Farmers on May 14, 2012, in the amount of \$4,400.00;
- (8) 2 days late for cattle purchased from United on May 15, 2012, in the amount of \$1,435.00;
- (9) 4 days late for cattle purchased from Washington on May 18, 2012, in the amount of \$9,757.65; and
- (10) 6 days late for cattle purchased from Farmers on May 21, 2012, in the amount of \$12,031.40.

(c) The respondent purchased cattle from Mottesheard Farms, Inc., in Marshfield, Missouri, on March 10, 2012, in the amount of \$177,245, and issued a check in payment thereof; the check was returned unpaid by the bank upon which the check was drawn because the

respondent did not have and maintain sufficient funds, on deposit and available in the account upon which such check was drawn, to pay the check when it was presented.

IV

By reason of the facts alleged in paragraph III(b), the respondent has willfully violated Sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b); and by reason of the facts alleged in paragraph III(c), the 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 the respondent has in fact willfully violated the Act, this complaint shall be served upon the respondent. The respondent 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 shall constitute an admission of all the material allegations in this complaint and a waiver of hearing.

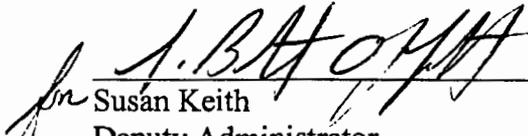
The Packers and Stockyards Program of the Grain Inspection, Packers and Stockyards Administration requests:

1. That, unless the respondent fails to file an answer within the time allowed or unless the respondent 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 the respondent to cease and desist from the violations of the Act found to exist and assessing such civil penalties against the respondent as are authorized by the Act and warranted by the facts and circumstances of this case.

Done at Washington, D.C., this

8th day of August, 2013


for Susan Keith
Deputy Administrator
Packers and Stockyards Program

Susan C. Golabek
Attorney for Complainant
U.S. Department of Agriculture
Office of the General Counsel
Marketing, Regulatory, and Food Safety Programs Division
1400 Independence Ave., S.W.
Room 2319, South Building
Washington, D.C. 20250-1400
Telephone: (202) 690-2271