

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P&S Docket No.
)	
)	
Jeremy T. Byrd d/b/a)	13-0354
T Byrd Cattle Co.)	
)	
Respondent)	Complaint

There is reason to believe that the respondent named herein has 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 T Byrd Cattle Company is a corporation organized under the laws of the State of Texas, with a mailing address of P.O. Box 26, Grapeland, Texas 75844.
- (b) Respondent Jeremy T. Byrd is, and at all times material herein was:
 - (1) President of respondent T Byrd Cattle Company;
 - (2) Owner of 100% of the stock issued by respondent T Byrd Cattle Company;
 - (3) Responsible for the direction, management and control of respondent T Byrd Cattle Company.
- (c) Respondent T Byrd Cattle Company, under the direction, management, and control of respondent Jeremy T. Byrd, is, and at all times material herein was:
 - (1) Engaged in the business of a market agency buying livestock on a commission basis in commerce; and

(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 livestock on a commission basis in commerce, and registered as a dealer to buy and sell livestock in commerce.

II.

On August 31, 2006, a Consent Decision, signed by respondent, was issued in the case of In re: T-Byrd Cattle Company and Jeremy T. Byrd, P&S Docket No. D-06-0012. The Consent Decision ordered respondent to cease and desist from failing to pay, when due, the full purchase price of livestock in accordance with section 312(b) of the Act (7 U.S.C. § 213(b)). The Consent Decision also assessed a civil penalty against respondent in the amount of eleven thousand two hundred fifty dollars (\$11,250.00).

III.

During the period from September 27, 2008, through November 30, 2008, in 18 transactions involving the purchase of a total of 212 head of livestock from different livestock auction markets, for an approximate livestock purchase price of \$ 60,277.97, the respondent 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). In each of these transactions, respondent remitted payment between one and thirty-nine days late. A schedule of such transactions is set forth in Appendix A to this complaint.

IV.

Respondent was placed on notice, by certified mail received by him on or about January 27, 2007, that on or about January 3, 2007, the Western Regional Office, Packers and Stockyards Program, GIPSA, sent respondent written notice to indicate that respondent's surety bond was

going to terminate on January 30, 2007. The notice further stated that unless respondent secured a new bond or bond equivalent by January 30, 2007, respondent must discontinue all livestock operations for which bonding is required under the Act.

From about September 19, 2008 through November 30, 2008, in approximately 8 transactions, as described in Appendix B, respondent engaged in the business of a market agency or dealer purchasing and selling livestock in commerce without maintaining a bond or bond equivalent.

V.

By reason of the facts alleged in paragraphs I and III of this Complaint, respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b).

By reason of the facts alleged in paragraphs I and IV of this Complaint, respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 204), and sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29 and 201.30).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and regulations issued thereunder, 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 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 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 an order be issued requiring the respondent to cease and desist from the violations of the Act and the regulations 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 18th day of September, 2013

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

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Appendix A

Purchased From	Purchase Date	No. of Head of Cattle Purchased	Livestock Amount	Payment Due Date per \$409	Payment Date
James Mahaffey	9/27/2008	1	\$273.70	9/29/2008	9/30/2008
Chris Oates - Buffalo Livestock	9/27/2008	7	\$1945.95	9/29/2008	10/6/2008
Tommy Oates - Navasota Livestock	9/27/2008	2	\$662.65	9/29/2008	10/6/2008
Tommy Oates - East Texas Livestock	9/30/2008	9	\$2501.50	10/1/2008	10/6/2008
Billy Fuchs - Lampasas Cattle Auction	10/1/2008	8	\$2344.60	10/2/2008	10/6/2008
Billy Fuchs - Jordan Cattle Auction	10/2/2008	9	\$2870.20	10/3/2008	10/6/2008
Clayton Cattle Feeders	10/8/2008	59	\$15155.00	10/9/2008	11/17/2008
Huntsville Livestock Services	10/13/2008	3	\$765.50	10/14/2008	10/15/2008
Billy Fuchs - 4 Auction Markets	10/26/2008	6	\$2106.25	10/27/2008	11/4/2008
Huntsville Livestock Services	11/10/2008	26	\$6925.45	11/11/2008	11/12/2008
Billy Fuchs - Jordan Cattle Auc.	11/10/2008	10	\$3475.55	11/11/2008	11/19/2008

Purchased From	Purchase Date	No. of Head of Cattle Purchased	Livestock Amount	Payment Due Date per \$409	Payment Date
Billy Fuchs - East Texas Livestock	11/11/2008	5	\$1707.90	11/12/2008	11/19/2008
Billy Fuchs - Coleman & Lampasas Mkts.	11/12/2008	18	\$5797.60	11/13/2008	11/19/2008
Billy Fuchs - Jordan Cattle Auction	11/13/2008	17	\$5474.35	11/14/2008	11/19/2008
Billy Fuchs - Milam County Livestock	11/14/2008	4	\$1150.25	11/17/2008	11/26/2008
Billy Fuchs - Jordan Livestock Auction	11/17/2008	10	\$3500.20	11/18/2008	11/26/2008
Billy Fuchs - Jordan Livestock Auction	11/20/2008	1	\$380.25	11/21/2008	11/26/2008
Clayton Cattle Feeders	11/21/2008	17	\$3241.07	11/24/2008	12/2/2008

Appendix B

Purchased From	Purchase Date	No. of Head of Cattle Purchased	Livestock Amount	Purchased For
Tommy Oates – MOKAN Livestock Market	9/19/2008	91	\$27140.15	Animal Technologies
Chris Oates – Buffalo Livestock	9/27/2008	7	\$2112.70	Animal Technologies
Clayton Cattle Feeders	10/8/2008	59	\$15155.00	Personal Rail Sales
Huntsville Livestock Services	10/13/2008	3	\$815.00	Animal Technologies
Billy Fuchs – (for several markets)	10/19/2008	30	\$10822.05	Animal Technologies
Huntsville Livestock Services	11/17/2008	32	\$10538.35	Animal Technologies (and other markets)

Sold To	Sale/Invoice Date	No. Head Sold	Livestock Amount	
Dallas City Packing	10/10/2008	68	\$26474.89	
Dallas City Packing	11/24/2008	35	\$12326.67	