

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P. & S. Docket No. 10 - 0079
Eugene Thompson)	
)	
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.; hereinafter “Act”), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.; hereinafter “Regulations”), and, therefore, this complaint is issued alleging the following:

I.

(a) Eugene Thompson (hereinafter “Respondent”) is an individual whose mailing address is a home address and is on file with the Hearing Clerk’s Office, United States Department of Agriculture.

(b) At all times material herein, Respondent was:

- (1) Engaged in the business of buying and selling livestock in commerce as a dealer for his own account and for the account of others; and
- (2) 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 buying on commission.

II.

Respondent, in connection with his operations subject to the Act, on or about the dates

and in the transactions set forth below, failed to pay the full amount of the purchase price for livestock within the time period required by the Act.

Seller	Purchase Date	Date Payment Due Per 409(a)	Payment Date	Days Late	Number of Head	Livestock Amount
Blackfoot Livestock Auction	5/23/2008	5/27/2008	11/14/2008	171	118	\$68,755.89

III.

On or about the dates and in the transactions set forth below, Respondent, issued checks in payment for livestock purchases and said checks were returned because Respondent failed to maintain sufficient funds on deposit at the relevant financial institution.

Seller	Purchase Date	Number. of Head	Check Date	Check Number	Check Amount	Date Returned
Blackfoot Livestock Auction	5/23/2008	118	6/2/2008	9211	\$69,298.00	6/18/2008
Blackfoot Livestock Auction	5/23/2008	118	7/22/2008	9228	\$69,298.00	8/07/2008

IV.

Via certified mail, dated October 16, 2007, the Packers and Stockyards Program notified Respondent that his surety bond maintained in connection with his business operations was to be terminated.¹ Respondent's bond terminated on January 11, 2008, and Respondent knowingly

¹ The letter incorrectly stated that the termination date for Respondent's bond was January 11, 2007, rather than January 11, 2008. However, the correct termination date, January 11, 2008, was shown on the surety notice that was enclosed with the letter.

and willfully continued his livestock operations subsequent to the termination date without maintaining an adequate bond or bond equivalent.

On or about the dates and in the transactions set forth below, Respondent engaged in the business of a dealer without maintaining an adequate bond or bond equivalent.

Seller	Purchase Date	Number of Head	Livestock Amount	Operational Capacity
Buffalo Livestock Auction	1/16/2008	18	\$16,632.12	Dealer
Riverton Livestock Auction	1/22/2008	33	\$22,523.15	Buying on Commission
Riverton Livestock Auction	1/29/2009	39	\$23,883.73	Buying on Commission
Worland Livestock Auction	1/31/2008	17	\$9,575.48	Dealer
Riverton Livestock Auction	2/5/2008	72	\$49,011.64	Buying on Commission
Buffalo Livestock Auction	3/19/2008	62	\$48,650.70	Dealer
Central Wyoming Livestock	3/20/2008	15	\$9,306.97	Dealer
Worland Livestock Auction	3/20/2008	75	\$37,535.49	Dealer
Worland Livestock Auction	4/10/2008	8	\$3360.48	Dealer
Blackfoot Livestock Auction	4/11/2008	119	\$59,772.88	Dealer
Riverton Livestock Auction	4/16/2008	283	\$119,453.70	Buying on Commission

V.

By reason of the facts alleged in paragraphs II, III and IV, Respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b) and sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§201.29, 201.30).

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether Respondent has willfully violated the Act and the Regulations. 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, S.W., Washington, D.C. 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.; hereinafter “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 (GIPSA), 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 and the Regulations found to exist and suspending Respondent as a registrant under the Act, and assessing such civil penalty, as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 21 day of January, 2010



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program



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