

UNITED STATES DEPARTMENT OF AGRICULTURE

APR 23

BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P. & S. Docket No. D-12-0357
)	
Ronald Ryan Shepard, Jr., a/k/a)	
Ronald Ryan Sheppard, Jr., a/k/a)	
Ron Shephard,)	
)	
Jeremy E Pierce,)	
)	
Brookfield Cattle Company, LLC,)	
)	
)	
)	
)	
Respondents)	Complaint

There is reason to believe that the respondents named herein have willfully violated provisions of 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) Respondent Ronald Ryan Shepard, Jr., also known as Ronald Ryan Sheppard, Jr., and also known as Ron Shephard (Shepard) is an individual whose home address is in the State of Illinois. In order to protect the personal privacy of respondent Shepard, his home address is not included in this Complaint but has been provided to the Hearing Clerk for the purpose of effectuating service of process. Shepard at all times material herein was:

- (1) Engaged in the business of a dealer buying and selling livestock in commerce;
- (2) Not registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce;
- (3) Responsible for the direction, management and control of buying activities for respondent Brookfield Cattle Company, LLC; and
- (4) The *alter ego* of respondent Brookfield Cattle Company, LLC.

(b) Respondent Jeremy E. Pierce (Pierce) is an individual whose home address is in the State of Illinois. In order to protect the personal privacy of respondent Pierce, his home address is not included in this Complaint but has been provided to the Hearing Clerk for the purpose of effectuating service of process.

Pierce at all times material herein was:

- (1) Engaged in the business of a dealer buying and selling livestock in commerce;
- (2) Not registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce;
- (3) Responsible for the direction, management and control of respondent Brookfield Cattle Company, LLC; and
- (4) The *alter ego* of respondent Brookfield Cattle Company, LLC.

(c) Respondent Brookfield Cattle Company, LLC, is a limited liability company organized under the laws of the State of Florida, and has a mailing address of PO Box 317, Goreville, IL, 62939, and its principal place of business at

5339 SE 3rd Lane, Trenton, FL, 32693. Brookfield Cattle Company, LLC, under the direction, management, and control of respondents Shepard and Pierce, at all times material herein was:

- (1) Engaged in the business of a dealer buying and selling livestock in commerce;
- (2) Not registered with the Secretary of Agriculture as a dealer buying and selling and selling livestock in commerce.

II

A) On or about April 11, 2011, the Midwestern Regional Office, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA) sent respondent Shepard a Notice of Default (NOD) by certified mail, which Shepard received on or about April 13, 2011. The NOD stated that GIPSA had information indicating that Shepard was engaged in the business of buying and selling livestock in commerce. The NOD informed respondent that buying and selling livestock in commerce without being properly registered with GIPSA and without filing a bond or bond equivalent are violations of the Act and regulations issued thereunder. The NOD warned respondent that failure to comply with the registration and bonding requirements would result in appropriate corrective action. Relevant provisions, forms and instructions for registration and bonding were enclosed with the NOD.

B) On or about January 9, 2012, the Midwestern Regional Office, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA) sent respondents Pierce and Brookfield Cattle Company, LLC, a Notice of Default (NOD) by certified mail, which the respondents received on or about January 11, 2012. The NOD stated that GIPSA had information indicating that they were engaged in the business of buying and selling livestock, in commerce. The NOD informed these respondents that buying and selling livestock in commerce without properly being registered with GIPSA and without filing a bond or bond equivalent are violations of the Act and regulations issued thereunder. The NOD warned these respondents that failure to comply with the registration and bonding requirements would result in appropriate corrective action. Relevant provisions, forms and instructions for registration and bonding were enclosed with the NOD.

III

(a) On or about the dates and in the transactions set forth in Appendix A, which is attached hereto and incorporated herein by reference, respondents Shepard, Pierce and Brookfield Cattle Company, LLC, issued checks in payment for livestock purchases which were returned unpaid by the bank upon which they were drawn because respondents did not have and maintain sufficient funds on deposit and available in the account upon which the

checks were drawn to pay them when presented.

(b) On or about the dates and in the transactions set forth in Appendices A and B, respondents Shepard, Pierce and Brookfield Cattle Company, LLC, purchased livestock and failed to pay, when due, the full purchase price of such livestock.

(c) On or about the dates and in the transactions set forth in Appendix C, respondents Shepard, Pierce and Brookfield Cattle Company, LLC, purchased livestock and failed to pay for such livestock.

IV

Beginning in April 2011, and on the dates and in the transactions described in Appendices A, B, and C, incorporated herein by reference, and in other transactions and on other dates, respondents Shepard, Pierce and Brookfield Cattle Company, LLC, engaged in the business of a dealer buying and selling livestock in commerce without maintaining a bond or bond equivalent.

V

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

By reason of the facts alleged in paragraphs I and IV above, respondents willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)), 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 this Complaint shall be served upon respondents for the purpose of determining whether respondents have willfully violated the Act and regulations. Respondents 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 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 of this Complaint.

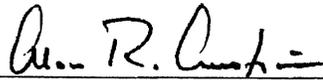
The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration requests:

1. That unless 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 such order or orders be issued, including an order requiring respondents to cease and desist from the violations of the Act and the regulations found to exist, prohibiting respondents from being registered and engaging in any activities for which registration is required under the Act, and assessing such

civil penalties against respondents as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 12 day of April, 2012



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Packers and Stockyards Program

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Appendix A

Named Buyer	Purchase Date	Seller	Number of Head	Check Amount	Payment Due Date	Payment Date
Brookfield Cattle Company, LLC	8/4/2011	Athens Commission Company, Inc.	80	\$59,951.80	8/5/2011	8/23/2011
Brookport Cattle Company	8/9/2011	Mammoth Cave Dairy Auction, Inc.	34	\$39,636.90	8/10/2011	8/19/2011 ¹
Brookport Cattle Company	8/9/2011	Mammoth Cave Dairy Auction, Inc.	68	\$41,390.85	8/10/2011	8/19/2011 ²
Brookport Cattle Company	9/6/2011	Mammoth Cave Dairy Auction, Inc.	42	\$31,142.42	9/7/2011	9/20/2011 ³
Brookport Cattle Company	9/6/2011	Mammoth Cave Dairy Auction, Inc.	35	\$41,341.23	9/7/2011	9/20/2011 ⁴
Brookport Cattle Company	2/28/2012	Mammoth Cave Dairy Auction, Inc.	57	\$66,099.30	2/29/2012	Unpaid ⁵
Brookport Cattle Company	3/13/2012	Mammoth Cave Dairy Auction, Inc.	23	\$25,868.71	3/14/2012	Unpaid ⁶
Ron Shepard	3/15/2012	Kentucky-Tennessee Livestock Market, Inc.	26	\$17,135.03	3/16/2012	Unpaid ⁷

¹ Vlas View issued a check in the amount of \$39,636.90 on or about 8/15/2011 in purported payment for this livestock purchase. The check was returned as uncollectable on or about 8/18/2011.

Brookfield Cattle Company, LLC issued a replacement check in the amount of \$44,969.60 on or about 8/19/2011 to cover this livestock purchase as well as another one.

² Vlas View issued a check in the amount of \$41,390.85 on or about 8/16/2011 in purported payment for this livestock purchase. The check was returned as uncollectable on or about 8/19/2011.

Brookfield Cattle Company, LLC issued a check in the amount of \$41,390.85 on or about 8/19/2011 to cover this livestock purchase.

³ Brookfield Cattle Company, LLC issued a check in the amount of \$31,142.42 on or about 9/13/2011 in purported payment for this livestock purchase. The check was returned as uncollectable on or about 9/16/2011. Brookfield Cattle Company, LLC wired \$72,483.65 on or about 9/20/2011 to cover both of its purchases on 9/6/2011.

⁴ Brookfield Cattle Company, LLC issued a check in the amount of \$41,341.23 on or about 9/13/2011 in purported payment for this livestock purchase. The check was returned as uncollectable on or about 9/16/2011. Brookfield Cattle Company, LLC wired \$72,483.65 on or about 9/20/2011 to cover both of its purchases on 9/6/2011.

⁵ Brookfield Cattle Company, LLC issued a check in the amount of \$66,099.20 on 3/2/2012 in purported payment for this livestock purchase. The check was returned as uncollectable due to not sufficient funds on 3/12/2012.

⁶ Brookfield Cattle Company, LLC issued a check in the amount of \$25,868.71 on 3/19/2012 in purported payment for this livestock purchase. The check was returned as uncollectable due to not sufficient funds on 3/23/2012.

⁷ Brookport Cattle Company issued a check in the amount of \$17,135.03 on 3/15/2012 in purported payment for this livestock purchase. The check was returned as uncollectable due to the account being closed on 4/2/2012.

Appendix B

Purchased From	Purchase Date	No. of Head of Cattle Purchased	Net Invoice Amount	Payment Due Date per §409	Payment date	Payment Amount	Days Late
Henderson Livestock Auction, Inc.	8/8/2011	126	\$92,592.91	8/9/2011	2/6/2012		181
Henderson Livestock Auction, Inc.	8/15/2011	37	\$31,450.96	8/16/2011	2/6/2012	\$124,043.87 ⁸	174

⁸ Respondents submitted seven wire payments of \$20,000 each between 10/11/2011 and 1/9/2012 to Emory Livestock Auction, Inc. in payment for amounts due to Athens Commission Company, Inc., Henderson Livestock Auction, Inc., and Emory Livestock Auction, Inc. The first payment on 10/11/2011 was applied to the remaining amount respondents owed Athens Commission Company, Inc. The remainder of that payment, the next five payments, and part of the last payment on 1/9/2012, a sum of \$124,043.87, were applied to the amounts respondents owed Henderson Livestock Auction, Inc.

Appendix C

Purchased From	Purchase Date	No. of Head of Cattle Purchased	Net Invoice Amount	Payment Due Date per §409
Mammoth Cave Dairy Auction, Inc.	2/28/2012	57	\$66,099.30	2/29/2012
Mammoth Cave Dairy Auction, Inc.	3/13/2012	23	\$25,868.71	3/14/2012
Kentucky-Tennessee Livestock Market, Inc.	3/15/2012	26	\$17,285.03	3/16/2012
Kentucky-Tennessee Livestock Market, Inc.	3/19/2012	78	\$63,767.07	3/20/2012
Kentucky-Tennessee Livestock Market, Inc.	3/22/2012	55	\$42,803.94	3/23/2012
Emory Livestock Auction, Inc.	8/6/2011	129	\$97,710.02 ⁹	8/9/2011
Emory Livestock Auction, Inc.	8/9/2011	86	\$70,772.19	8/10/2011
Emory Livestock Auction, Inc.	8/16/2011	44	\$41,247.67	8/17/2011

⁹ Respondents submitted five wire payments of \$20,000 each between 1/9/2012 and 3/19/2012 to Emory Livestock Auction, Inc. in payment for amounts due to Henderson Livestock Auction, Inc. and Emory Livestock Auction, Inc. The first payment on 1/9/2012 was applied to the remaining amount respondents owed to Henderson Livestock Auction, Inc. The remainder of that payment plus the other four payments, a sum of \$83,897.82, were applied to the amount respondents owed Emory Livestock Auction, Inc. As of the date of the filing of this complaint, respondents still owe \$125,832.05 to the Emory Livestock Auction, Inc.