

(d) Respondent Travis Witt is, and at all times material herein was:

- (1) President of respondent T&M Cattle, Inc.;
- (2) Sole owner of respondent T&M Cattle, Inc.;
- (3) Responsible for the direction, management and control of Respondent T&M Cattle, Inc.

II.

Respondents, from January 4, 2011 through April 12, 2011, in the transactions set forth in Attachment A and incorporated herein by reference, purchased livestock at Kingsville Livestock Auction and failed to provide buyer Swift and Henry, on whose behalf respondents were procuring the livestock, with a true or accurate written account of the purchases. Specifically, in each of these transactions, respondents colluded with the bookkeeper at Kingsville Livestock Auction to transfer some of the livestock to invoices for Swift and Henry, marking up the purchases prices in the process. Kingsville Livestock Auction credited the respondents for the difference between the original price and the marked-up price. In total during this time period, respondents collected approximately \$7,428 in profit, credited to their purchases at Kingsville Livestock Auction, as a result of the marked up prices on the false auction market invoices.

III.

By reason of the facts alleged above in paragraph II, respondents, in connection with their operations subject to the Act, failed to keep and maintain accounts, records, and memoranda that fully and correctly disclosed all transactions involved in their business as a market agency buying on commission.

IV.

By reason of the facts alleged in paragraph II herein, respondents willfully violated sections 312(a) of the Act (7 U.S.C. § 213(a)) and section 201.44 of the regulations (9 C.F.R. § 201.44).

By reason of the facts alleged in paragraph III herein, respondents willfully violated section 401 of the Act (7 U.S.C. § 221) and section 203.4 of the regulations (9 C.F.R. § 203.4).

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 requests:

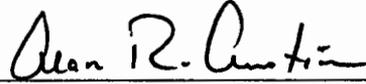
(1) That unless the respondents fail to file an answer within the time allowed, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice; and

(2) That an order be issued requiring the respondents to cease and desist from the violations of the Act and the regulations found to exist, suspending respondents as registrants

under the Act for a specified period of time, and assessing civil penalties against the respondents in accordance with the Act and as warranted by the facts and circumstances of this case.

Done at Washington, D.C.

this 31 day of October, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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