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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:

P&S Docket No

Barber Livestock, LLC,  
Mark Barber, and  
Lora Barber

Respondents

Complaint

There is reason to believe that the Respondents named in this Complaint have willfully violated provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. 201.1 et seq.) (regulations) and therefore, this Complaint is issued alleging the following:

I.

- (a) Barber Livestock, LLC (Respondent Livestock) is a corporation organized and existing under the laws of the State of Wisconsin. Its last known business address was 190 Scenic Way, Sobieski, WI 54171.
- (b) Respondent Livestock, at all times material to this complaint, was:
- (1) Engaged in the business of a dealer buying and selling livestock in commerce for its 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 its own account and as a market agency to sell livestock on a commission basis.

(c) Mark Barber and Lora Barber (Individual Respondents) are individuals. Their last known business address was 190 Scenic Way, Sobieski, WI 54171.

(d) Individual Respondents, at all times material to this complaint, collectively owned 100% of the issued stock of Respondent Livestock, were members of the LLC, and were responsible for the management, direction, and control of Respondent Livestock.

## II.

(a) Respondent Livestock, under the direction, management, and control of the Individual Respondents, on or about the dates and in the transactions set forth below, issued checks in payment for livestock purchases which checks 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 the checks when presented.

Purchase Date	Payee	Check Amount
March 27, 2007	Equity Cooperative Livestock Sales Association, Baraboo, Wisconsin (Equity)	\$9,441.40
March 28-29, 2007	Equity	\$4,737.52
March 20, 2007	Seidl Livestock Sales, Inc., Denmark, Wisconsin (Seidl)	\$8,963.10
Total		\$23,142.02

### III.

On or about the dates and in the transactions set forth below, Respondent Livestock, under the direction, management, and control of the Individual Respondents, failed to pay, when due for livestock that Respondents purchased, received and accepted in interstate commerce:

Purchase Date	Payment Due Date	Seller	No. of Head	Amount Due	Date Paid <sup>1</sup>	Days Late
03/20/2007	03/21/2007	Seidl	56	\$8,683.10	08/02/2007	134
03/27/2007	03/28/2007	Equity	15	\$896.75	08/02/2007	127
03/27/2007	03/28/2007	Equity	94	\$8,544.65	08/02/2007	127
03/27/2007	03/28/2007	Seidl	47	\$5,414.60	08/02/2007	127
03/28/2007	03/29/2007	Equity	35	\$3,852.51	08/02/2007	126
03/28/2007	03/29/2007	Equity	3	\$237.88	08/02/2007	126
03/29/2007	03/30/2007	Equity	8	\$625.13	08/02/2007	125
03/29/2007	03/30/2007	Equity	3	\$22.00	08/02/2007	125
04/03/2007	04/04/2007	Equity	8	\$260.60	08/02/2007	120
04/03/2007	04/04/2007	Equity	66	\$4,764.54	08/02/2007	120
04/03/2007	04/04/2007	Seidl	33	\$3,447.50	08/02/2007	120
04/04/2007	04/05/2007	Equity	11	\$499.75	08/02/2007	119
04/05/2007	04/06/2007	Equity	2	\$30.50	08/02/2007	118

### IV.

By reason of the facts alleged in paragraph I, the Individual Respondents were the alter ego of the Respondent Livestock.

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

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondents have, in fact, willfully violated the Act and the regulations, this complaint shall be served upon Respondents. Respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance

<sup>1</sup> Payment was made by the bond agency on or about this date.

with the Rules of Practice governing proceedings under the Act (7 C.F.R. §1.130 *et seq.*). Failure to file an answer shall constitute an admission of all 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 therefore, or file an answer admitting all material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice governing proceedings under the Act; and
2. That such order or orders be issued, including an order requiring Respondents to cease and desist from the violations found to exist, suspending Respondents as registrants under the Act, and assessing such civil penalties, jointly and severally, as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 31 day of October, 2008



Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Program



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