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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:

P & S Docket No. D-09-

0092

Clarence Ricky Fisher a/k/a
Ricky Fisher

Respondent

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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 referred to as "the Act," and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. §201.1 et seq.), hereinafter referred to as "the Regulations," and therefore this complaint is issued alleging the following:

I.

(a) Clarence Ricky Fisher a/k/a Ricky Fisher, hereinafter referred to as "Respondent," is an individual whose mailing address is 3006 Hwy 43 South, Loretto, Tennessee 38464.

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

- (1) Engaged in the business of buying livestock in commerce on a commission basis;
- (2) Not registered as a dealer or market agency with the Secretary of Agriculture; and
- (3) Operating as a market agency and dealer within the jurisdiction of the Secretary.

II.

On January 7, 2008, Respondent received a certified Letter of Notice from the Packers and Stockyards Program. The letter notified the Respondent of his obligation to file an application for registration and proof of suitable bond or bond equivalent with Packers and Stockyards Program before engaging in any operations subject to the Act.

On April 2, 2008, a representative of Packers and Stockyards Program, Gordon Peters, spoke with Respondent at the conclusion of a weekly livestock sale held at Lawrence County Stockyards, in Lawrenceburg, Tennessee. Mr. Peters advised Respondent to fill out a dealer registration application and handed Respondent another application for registration. Mr. Peters reminded Respondent that he was engaging in the business of buying and selling livestock without being properly registered and bonded.

On May 28, 2008, Mr. Peters attempted to contact Respondent, via telephone, in order to convey the estimated amount of bond coverage Respondent would need to secure in order to operate as a livestock dealer buying for the accounts of others. Peters left Respondent a voicemail stating that he needed to secure a \$55,000 bond or bond equivalent in order to operate. Notwithstanding such notice, the Respondent continued to engage in the business of a dealer without registering with the Secretary or maintaining an adequate bond as required by the Act and the Regulations.

III.

On or about the dates and in the transactions set forth below, Respondent engaged in the business of buying and selling livestock in commerce without being registered with the Secretary and without maintaining an adequate bond or bond equivalent. The transactions occurred at two

stockyards in Tennessee: (1) Lawrence County Stockyards ("LCS") and (2) Tennessee Livestock Producers ("TLP").

Purchase Date	Market	No. of Head	Livestock Amount	Principal	Commission Amount	Check Amount	Check No.
01/09/08	LCS	91	\$41323.20	Riley Livestock	\$240.18	\$525.53	16388
		79	\$32735.98	TN Lvstk Prod #29	\$179.25		
		33	\$17349.99	TN Lvstk Prod #49	\$106.10		
01/16/08	LCS	68	\$33869.84	Riley Livestock	\$211.65	\$422.40	16522
		45	\$18356.04	TN Lvstk Prod #29	\$101.65		
		35	\$18599.15	TN Lvstk Prod #49	\$109.10		
01/23/08	LCS	39	\$18281.90	Riley Livestock	\$111.78	\$356.84	16629
		16	\$6821.00	J. Lewis	\$34.40		
		52	\$22939.83	TN Lvstk Prod #29	\$123.33		
		28	\$15360.70	TN Lvstk Prod #49	\$87.33		
02/06/08	LCS	3	\$1881.25	Cherry Cattle Co.	\$8.75	\$243.21	16804
		20	\$9886.45	J. Lewis	\$45.83		
		62	\$34620.15	Riley Livestock	\$182.73		
		2	\$1231.85	TN Lvstk Prod #29	\$5.90		
02/13/08	LCS	22	\$13615.85	Cherry Hill Farm	\$63.03	\$612.06	16916
		120	\$62207.78	Riley Livestock	\$341.13		
		11	\$6532.28	TN Lvstk Prod #29	\$32.40		
		54	\$32109.78	TN Lvstk Prod #49	\$175.50		
02/27/08	LCS	26	\$14909.63	Riley Livestock	\$68.73	\$132.93	17206
		20	\$11718.25	TN Lvstk Prod #29	\$64.20		
03/12/08	LCS	62	\$31215.85	Riley Livestock	\$142.73	\$432.73	17539
		68	\$33400.70	TN Lvstk	\$191.95		

				Prod #29			
		27	\$15487.65	TN Lvstk Prod #49	\$98.05		
03/26/08	LCS	23	\$11488.70	Riley Livestock	\$67.85	\$355.63	17780
		71	\$26432.13	TN Lvstk Prod #29	\$130.70		
		45	\$25455.13	TN Lvstk Prod #49	\$157.08		
04/01/08	TLP	1	\$336.00	B. Turner	\$5.60	\$420.93	59047
		75	\$36860.35	Riley Livestock	\$197.58		
		34	\$18867.59	TLP/POB#3	\$13.25		
		30	\$16220.95	TLP/POB#2	\$96.70		
		29	\$18386.74	TLP/POB	\$107.80		
04/02/08	LCS	89	\$43093.35	Riley Livestock	\$259.05	\$384.36	17879
		7	\$3919.25	TN Lvstk Prod #49	\$27.48		
		37	\$17681.70	TN Lvstk Prod #29	\$97.83		
04/08/08	TLP	97	\$43903.94	Riley Livestock	\$235.90	\$391.98	59163
		46	\$24959.38	TLP/POB#1	\$156.08		
04/15/08	TLP	36	\$17949.08	Riley Livestock	\$97.53	\$129.51	59292
		12	\$5641.25	TLP/POB#1	\$31.98		
04/16/08	LCS	22	\$10253.55	Riley Livestock	\$54.55	\$158.78	18125
		12	\$4986.35	J. Lewis	\$25.60		
		8	\$3661.90	TN Lvstk Prod #29	\$20.25		
		17	\$9939.74	TN Lvstk Prod #49	\$58.38		
04/22/08	TLP	58	\$33220.53	Riley Livestock	\$182.75	\$182.75	59441
		20	\$11764.64	TLP/POB#1	\$67.68	\$283.71	59448
		26	\$13594.14	TLP Order Buying	\$76.03		
04/29/08	TLP	13	\$6953.84	Riley Livestock	\$38.13	\$301.76	59544
		9	\$5004.98	TLP/POB#2	\$30.18		
		64	\$36208.08	TLP Order Buying	\$183.45		
TOTALS		1,864	\$941,238.39		\$5,145.11	\$5,335.11	

IV.

By reason of the facts alleged in paragraph III, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)), 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 Regulations. Respondent shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington D.C. 20250, in accordance with the Rules of Practice Governing Proceedings Under the Act (7 C.F.R. § 1.130 et seq.; "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.

Packers and Stockyards Program, GIPSA, requests:

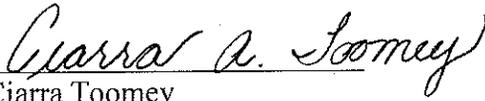
1. That unless Respondent fails to file an answer within the time allowed, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice; and
2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act found to exist, and assessing such civil penalty, as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 3 day of April, 2009



Alan R. Christian
Deputy Administrator,
Packers and Stockyards Program



Ciarra Toomey
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
Room 2314, South Building
1400 Independence Avenue, S.W.
Washington, D.C. 20250-1413
Telephone: (202) 720-3779