

II

(a) On December 7, 2007, Respondent received a notice that operating while insolvent violates 7 U.S.C. § 204 (which supplements the Act) and that a review of Respondent's balances as of September 30, 2007, had revealed current assets of \$143,952.53 and current liabilities of \$243,406.32, an excess of current liabilities over current assets of \$99,452.79.

(b) The Respondent's financial condition fails to meet the requirements of the Act, as supplemented, in that:

(1) As of December 31, 2007, Respondent had current liabilities that exceed its current assets. Respondent had current assets of \$169,129.05 and current liabilities of \$236,988.58, resulting in an excess of current liabilities over current assets of \$67,859.53.

(2) As of February 29, 2008, Respondent had current liabilities that exceed its current assets. Respondent had current assets of \$144,241.38 and current liabilities of \$235,444.94, resulting in an excess of current liabilities over current assets of \$91,203.56.

(c) Respondent operated while insolvent between December 31, 2007 and February 29, 2008, in that its current liabilities exceeded its current assets, and continues to operate while insolvent.

III

By reason of the facts alleged in paragraph II herein, Respondent's financial condition does not meet the requirements of the Act as supplemented (7 U.S.C. § 204) and the regulatory guideline promulgated under it (9 C.F.R. § 203.10); and Respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)) and 7 U.S.C. § 204.

WHEREFORE, it is hereby ordered for the purpose of determining whether Respondent

has in fact violated the Act, as supplemented, and the regulatory guideline issued thereunder, this Complaint shall be served upon Respondent. Respondent shall 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.) Failure to file an answer shall constitute an admission of all the material allegations of this Complaint.

The Grain Inspection, Packers and Stockyards Administration (GIPSA) requests:

1. That unless Respondent fails to file an answer within the time allowed therefor, 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 governing proceedings under the Act; and
2. That such order or orders be issued, including orders requiring Respondent to cease and desist from violating the Act with respect to the matters alleged herein, suspending Respondent as a registrant under the Act, and assessing such civil penalties as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.
this 28 day of July


ALAN R. CHRISTIAN
Deputy Administrator
Packers and Stockyards Program

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