

USDA
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250
MAY 11 1983

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-13- 0009
)
Curtis Malone,)
)
Respondent.) 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.), 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) Curtis Malone, referred to herein as the respondent, is an individual whose home mailing address is in the State of Texas. In order to protect the personal privacy of the individual respondent, 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.

(b) The respondent is, and at all times material herein was:

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

II

(a) On August 16, 2011, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA) sent the respondent a Notice of Default (NOD) by certified mail which the respondent received on August 25, 2011. The NOD stated that GIPSA had information indicating that the respondent was buying and selling livestock in commerce without being properly registered with GIPSA and without filing a bond or bond equivalent. The NOD warned the respondent that failure to comply with the registration and bonding requirements could result in appropriate corrective action.

(b) Notwithstanding such notice, during the period of September 9, 2011, through at least November 18, 2011, in fourteen transactions involving 387 head of livestock, the respondent continued to engage in the business as a market agency buying livestock in commerce on a commission basis without registering with the Secretary of Agriculture and maintaining an adequate bond as required by the Act and the regulations.

III

By reason of the facts alleged in paragraphs II of the complaint, the respondent has willfully violated section 312 of the Act (7 U.S.C. § 312), and section 201.29 of the regulations (9 C.F.R. § 201.29).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act, this complaint shall be served upon the respondent. The respondent 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 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 shall constitute an admission of all the material allegations of this complaint.

Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards

Administration, requests:

1. That unless the 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 an order requiring the respondent to cease and desist from the violations found to exist, prohibiting respondent from being registered and engaging in any activities for which registration is required 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 10 day of October, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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