

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

USDA  
C-1040

2013 MAR 28 PM 3:03

FILED

In re: )  
Lincoln Provision, Inc., ) P & S Docket No. - 13-0199  
Respondent )  
Complaint and Notice of Hearing

There is reason to believe that the respondent named herein has willfully violated the Packers & Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (the Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) and, therefore, this complaint and notice of hearing is issued alleging the following:

I

- (a) Respondent Lincoln Provision, Inc. is a corporation organized under the laws of Illinois. Respondent's mailing address is 824 W 38<sup>th</sup> Pl, Chicago, IL 60609.
- (b) Respondent is, and at all times material herein was:
  - (1) Engaged in the business of buying livestock in commerce for the purposes of slaughter; and
  - (2) A packer within the meaning of and subject to the provisions of the Act.

II

On or about June 1, 2011, and continuing through July 28, 2011, in approximately 29 transactions, respondent purchased livestock in the amount of approximately \$1,138,566.76 and failed to pay, when due, the full amount of the purchase prices within

the time period required by the Act. Respondent's payments were made between approximately 1 and 7 days late. These transactions are set forth in Appendix A, which is attached hereto and incorporated herein by reference.

### III

By reason of the facts alleged in paragraph II, the respondent has willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a) and 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

WHEREFORE, it is hereby ordered that for the purpose of determining whether respondent has in fact willfully violated the Act and regulations issued thereunder, this Complaint and Notice of Hearing shall be served upon respondent. Respondent shall have twenty (20) days following receipt of this Complaint and Notice of Hearing 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.*). Failure to file an answer shall constitute an admission of all the material allegations of this Complaint and Notice of Hearing.

Respondent is hereby notified that unless hearing is waived, either expressly or by failure to answer and request a hearing, a hearing will be held in accordance with the Rules of Practice, at a place and time to be designated later. At the hearing, respondent will have the right to appear and show cause why an appropriate Order should not be issued in accordance with the provisions of the Act which require that respondent cease

and desist from violating the Act with respect to matters alleged herein and assessing such civil penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 27<sup>th</sup> day of March, 2013

Susan B. Keith  
Susan B. Keith  
Deputy Administrator  
Packers and Stockyards Program

Lauren C. Axley  
Attorney for the Complainant  
Office of the General Counsel—Regulatory Division  
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1400 Independence Ave., S.W.  
Washington, D.C. 20250-1400  
Telephone: (202) 720-5143

# APPENDIX A



Entity Information															
Investigation Date	Entity											Mailing Address		Control Number	
9/13/2011	Lincoln Provision, Inc.											824 W 38th Pl Chicago, IL 60609		110842	
Purchase / Harvest Date	Seller's Name	Purchase Type	Number of Head	Livestock Amount	Net Invoice Adjustments	Net Invoice	Days Until Payment Due	Due Date	Payment Date	Payment Instrument Number	Payment Amount	Days Late Per Instrument Date	Date Cleared Bank	Instrument Date to Date Cleared	Remarks
6/23/2011	Cloverleaf Cattle Co	Dressed	37	\$45,447.00	\$0.00	\$45,447.00	1	6/24/2011	6/28/2011	ACH	\$93,673.83	4	6/29/2011	1	
6/23/2011	Cloverleaf Cattle Co	Dressed	20	\$24,328.72	\$0.00	\$24,328.72	1	6/24/2011	6/28/2011	ACH	\$93,673.83	4	6/29/2011	1	
6/23/2011	Cloverleaf Cattle Co	Dressed	20	\$23,898.11	\$0.00	\$23,898.11	1	6/24/2011	6/28/2011	ACH	\$93,673.83	4	6/29/2011	1	
6/29/2011	Cloverleaf Cattle Co	Dressed	36	\$43,430.60	\$0.00	\$43,430.60	1	6/30/2011	7/5/2011	ACH	\$43,430.60	5	7/6/2011	1	
7/14/2011	Cloverleaf Cattle Co	Dressed	37	\$48,457.50	\$0.00	\$48,457.50	1	7/15/2011	7/19/2011	ACH	\$8,248.50	4	7/20/2011	1	
7/14/2011	Cloverleaf Cattle Co	Dressed	37	\$49,791.00	\$0.00	\$49,791.00	1	7/15/2011	7/19/2011	ACH	\$8,248.50	4	7/20/2011	1	
6/30/2011	Dale Kuhn	Dressed	30	\$43,058.82	(\$30.00)	\$43,028.82	1	7/1/2011	7/6/2011	51143	43,028.82	5	7/14/2011	8	
6/14/2011	Arnold Meyer	Dressed	3	\$3,028.64	(\$3.00)	\$3,025.64	1	6/15/2011	6/21/2011	50993	3,025.64	6	8/3/2011	43	
7/27/2012	Keth Gimmel	Dressed	45	\$63,395.20	(\$45.00)	\$63,350.20	1	7/28/2011	7/29/2011	ACH	\$3,350.20	1	8/1/2011	3	
7/18/2011	Arnold Goldade	Dressed	22	\$25,093.50	(\$22.00)	\$25,071.50	1	7/19/2011	7/25/2011	51285	25,071.50	6	8/3/2011	9	
7/14/2011	Ken Niewoehner	Dressed	23	\$33,413.40	(\$23.00)	\$33,390.40	1	7/15/2011	7/19/2011	ACH	\$3,390.40	4	7/19/2011	0	
7/6/2011	Marin Nilsson	Dressed	42	\$62,946.00	\$0.00	\$62,946.00	1	7/7/2011	7/11/2011	ACH	\$2,946.00	4	7/11/2011	0	
7/7/2011	Marin Nilsson	Dressed	42	\$63,293.40	\$0.00	\$63,293.40	1	7/8/2011	7/12/2011	ACH	\$3,293.40	4	7/12/2011	0	
7/28/2011	Thorsgard Cattle Corp	Dressed	37	\$47,496.72	(\$37.00)	\$47,459.72	1	7/29/2011	8/3/2011	ACH	\$7,459.72	5	8/3/2011	0	
7/27/2011	Thorsgard Cattle Corp	Dressed	34	\$43,416.02	(\$34.00)	\$43,382.02	1	7/28/2011	8/1/2011	ACH	\$3,382.02	4	8/1/2011	0	
7/21/2011	Thorsgard Cattle Corp	Dressed	35	\$43,209.18	(\$35.00)	\$43,174.18	1	7/22/2011	7/28/2011	ACH	\$3,174.18	6	7/28/2011	0	
7/19/2012	Thorsgard Cattle Corp	Dressed	35	\$42,672.63	(\$35.00)	\$42,637.63	1	7/20/2012	7/21/2011	ACH	\$2,637.63	1	7/21/2011	0	
7/14/2011	Thorsgard Cattle Corp	Dressed	35	\$47,038.50	(\$35.00)	\$47,003.50	1	7/15/2011	7/19/2011	ACH	\$7,003.50	4	7/19/2011	0	
7/7/2012	Thorsgard Cattle Corp	Dressed	35	\$45,325.00	(\$35.00)	\$45,290.00	1	7/8/2011	7/13/2011	ACH	\$1,531.50	5	7/13/2011	0	
7/11/2011	Thorsgard Cattle Corp	Dressed	35	\$46,276.50	(\$35.00)	\$46,241.50	1	7/12/2011	7/13/2011	ACH	\$1,531.50	1	7/13/2011	0	
6/30/2011	Thorsgard Cattle Corp	Dressed	35	\$45,864.64	(\$35.00)	\$45,849.64	1	7/1/2011	7/5/2011	ACH	\$1,841.73	4	7/5/2011	0	
6/30/2011	Thorsgard Cattle Corp	Dressed	35	\$46,227.09	(\$35.00)	\$46,192.09	1	7/1/2011	7/5/2011	ACH	\$1,841.73	4	7/5/2011	0	
6/16/2011	Thorsgard Cattle Corp	Dressed	35	\$46,100.30	(\$35.00)	\$46,065.30	1	6/17/2011	6/21/2011	ACH	\$6,065.30	4	6/21/2011	0	
6/8/2011	Thorsgard Cattle Corp	Dressed	35	\$44,232.00	(\$35.00)	\$44,197.00	1	6/9/2011	6/13/2011	ACH	\$4,197.00	4	6/13/2011	0	
6/1/2011	Thorsgard Cattle Corp	Dressed	35	\$43,060.08	(\$51.00)	\$43,009.08	1	6/2/2011	6/6/2011	ACH	\$3,010.48	4	6/6/2011	0	
6/2/2011	Thorsgard Cattle Corp	Dressed	23	\$30,924.40	(\$23.00)	\$30,901.40	1	6/3/2011	6/6/2011	ACH	\$3,910.48	3	6/6/2011	0	
6/14/2011	Myron Ruff	Dressed	9	\$5,276.10	(\$4.50)	\$5,271.60	1	6/15/2011	6/21/2011	50995	\$5,271.60	6	6/28/2011	7	
6/21/2011	Myron Ruff	Dressed	12	\$15,448.98	(\$12.00)	\$15,436.98	1	6/22/2011	6/29/2011	51100	\$15,436.98	7	7/6/2011	7	
7/21/2011	Myron Ruff	Dressed	12	\$16,596.73	(\$12.00)	\$16,584.73	1	7/22/2011	7/28/2011	51340	\$16,584.73	6	8/2/2011	5	