



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

James Steven Kemp,

Respondent

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P&S Docket No. D-13- 0320

Complaint

There is reason to believe that the James Steven Kemp, hereinafter the respondent, has willfully violated the Packers & Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181 *et seq.*), therefore, this complaint is issued alleging the following:

I.

(a) James Steven Kemp, referred to herein as the respondent, is an individual with a mailing address in the State of Tennessee. In order to protect the privacy of personal privacy of the individual respondent, his home address is not included in this Complaint, but has been provided to the Hearing Clerk of the United States Department of Agriculture (USDA) for purposes of effectuating service of process.

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

(1) Engaged in the business of buying and selling livestock in commerce for his own account; and

(2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce, and as a market agency to buy livestock in commerce on a commission basis.

II.

On May 5, 2009, the Eastern Regional Office, Packers and Stockyards Program, Grain

Inspection, Packers and Stockyards Administration, United States Department of Agriculture, mailed the respondent a Notice of Violation letter. Respondent was served with the Notice of Violation letter on May 8, 2009. In the Notice of Violation letter, Respondent was notified that he had failed to pay for livestock in a timely manner, in violation of 7 U.S.C. § 228b. Respondent was further informed that continued violations of the Act may result in administrative action and civil penalties.

III.

During the period from February 2, 2012 through June 19, 2012, in thirty-four transactions involving his purchase of a total of 535 head, as set forth in the attached Appendix A, Respondent, notwithstanding the facts alleged in paragraph II, purchased livestock and failed to pay, when due, the full purchase price of the livestock.

IV.

By reason of the facts alleged in paragraphs II and III herein, Respondent has willfully violated section 409 of the Act (7 U.S.C. § 228b).

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 Ave., 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 will constitute an admission of all the material allegations in this complaint and a


waiyer of hearing.

The Grain Inspection, Packers and Stockyards Administration, Packers and Stockyards Program, requests:

1. That unless the 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 an order be issued requiring the respondent to cease and desist from the violations of the Act found to exist; and assessing such civil penalties against the respondent as are authorized by the Act and warranted by the facts and circumstances of this case.

Done at Washington, D.C.

this 8th day of August, 2013



Susan B. Keith
Deputy Administrator
Packers and Stockyards Program

Margaret Burns Rath
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
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US Department of Agriculture

Packers and Stockyards Program (P&SP)

Dealer / BOC Review (v7) - Payment Practices Schedule (DBP-2)

Attachment A

On-Site Review Date		Entity		DBA		Control Number							
6/27/2012		James Steven Kemp		142712		142712							
Purchase Date	Seller's Name	Number of Head	Livestock Amount	Other Charges	Total Invoice	Due Date	Check Date	Payment Date	Check Number	Payment Amount	Days Late Per Payment Date	Date Check Cleared Bank	Check Date to Date Cleared
2/1/2012	Browning's Livestock Market	27	\$17,513.59	\$40.00	\$17,553.59	2/2/2012	2/2/2012	2/28/2012	6333	\$17,553.59	26	2/29/2012	27
2/4/2012	Smith County Commission, Inc.	47	\$35,023.30	\$0.00	\$35,023.30	2/6/2012	2/6/2012	2/10/2012	6316	\$35,023.30	4	2/13/2012	7
2/6/2012	Farmers Livestock Market of Glasgow, Inc.	6	\$3,115.18	\$22.48	\$3,137.66	2/7/2012	2/8/2012	3/2/2012	6334	\$3,137.66	24	3/5/2012	26
2/13/2012	Farmers Livestock Market of Glasgow, Inc.	8	\$1,625.23	\$10.30	\$1,635.53	2/14/2012	2/14/2012	3/9/2012	6351	\$1,635.53	24	3/12/2012	27
2/15/2012	Browning's Livestock Market	16	\$6,820.82	\$75.00	\$6,895.82	2/16/2012	2/16/2012	3/6/2012	6354	\$6,895.82	19	3/7/2012	20
2/20/2012	Farmers Livestock Market of Glasgow, Inc.	9	\$1,892.30	\$43.98	\$1,936.28	2/21/2012	2/21/2012	3/16/2012	6375	\$1,936.28	24	3/19/2012	27
2/20/2012	Mid-South Livestock Center, LLC	3	\$1,007.90	\$0.00	\$1,007.90	2/21/2012	2/21/2012	2/27/2012	6339	\$1,007.90	6	2/29/2012	8
2/27/2012	Farmers Livestock Market of Glasgow, Inc.	18	\$5,326.80	\$69.20	\$5,396.00	2/28/2012	3/28/2012	4/11/2012	6414	\$5,396.00	43	4/12/2012	15
2/29/2012	Browning's Livestock Market	19	\$11,644.40	\$0.00	\$11,644.40	3/1/2012	3/1/2012	3/22/2012	6386	\$11,644.40	21	3/23/2012	22
3/5/2012	Farmers Livestock Market of Glasgow, Inc.	14	\$5,482.08	\$36.13	\$5,518.21	3/6/2012	3/6/2012	4/11/2012	6411	\$5,518.21	36	4/12/2012	37
3/5/2012	Mid-South Livestock Center, LLC	14	\$6,823.28	\$0.00	\$6,823.28	3/6/2012	3/6/2012	3/12/2012	6372	\$6,823.28	6	3/14/2012	8
3/7/2012	Browning's Livestock Market	11	\$6,238.53	\$35.00	\$6,273.53	3/8/2012	3/8/2012	4/2/2012	6396	\$6,273.53	25	4/3/2012	26
3/13/2012	Farmers Livestock Market of Glasgow, Inc.	16	\$5,100.88	\$7.18	\$5,108.06	3/14/2012	3/14/2012	4/15/2012	6417	\$5,108.06	32	4/17/2012	34
3/17/2012	Smith County Commission, Inc.	27	\$24,615.14	\$0.00	\$24,615.14	3/19/2012	3/19/2012	3/23/2012	6389	\$24,615.14	4	3/26/2012	7
3/19/2012	Farmers Livestock Market of Glasgow, Inc.	9	\$1,314.75	\$143.18	\$1,457.93	3/20/2012	3/20/2012	4/20/2012	6432	\$1,457.93	31	4/23/2012	34
3/22/2012	Browning's Livestock Market	12	\$6,880.41	\$40.00	\$6,920.41	3/23/2012	3/23/2012	4/6/2012	6407	\$6,920.41	14	4/9/2012	17
3/26/2012	Farmers Livestock Market of Glasgow, Inc.	17	\$3,596.01	\$45.38	\$3,641.39	3/27/2012	3/27/2012	4/23/2012	6438	\$3,641.39	27	4/24/2012	28
4/2/2012	Farmers Livestock Market of Glasgow, Inc.	27	\$8,074.93	\$154.70	\$8,229.63	4/3/2012	4/3/2012	4/30/2012	6450	\$8,229.63	27	5/1/2012	28
4/5/2012	Browning's Livestock Market	4	\$3,229.36	\$35.00	\$3,264.36	4/6/2012	4/6/2012	4/17/2012	6433	\$3,264.36	11	4/18/2012	12
4/14/2012	Smith County Commission, Inc.	33	\$28,446.55	\$0.00	\$28,446.55	4/16/2012	4/16/2012	4/20/2012	6441	\$28,446.55	4	4/23/2012	7
4/18/2012	Browning's Livestock Market	9	\$4,968.31	\$35.00	\$5,003.31	4/19/2012	4/19/2012	4/30/2012	6451	\$5,003.31	11	5/1/2012	12
4/23/2012	Mid-South Livestock Center, LLC	1	\$427.60	\$0.00	\$427.60	4/24/2012	4/24/2012	4/30/2012	6455	\$427.60	6	5/2/2012	8
5/2/2012	Browning's Livestock Market	11	\$5,728.26	\$35.00	\$5,763.26	5/3/2012	5/3/2012	5/30/2012	6491	\$5,763.26	27	5/31/2012	28
5/7/2012	Farmers Livestock Market of Glasgow, Inc.	10	\$3,748.20	-\$127.65	\$3,620.55	5/8/2012	5/8/2012	5/24/2012	6482	\$3,620.55	16	5/25/2012	17
5/12/2012	Smith County Commission, Inc.	20	\$15,485.75	\$0.00	\$15,485.75	5/14/2012	5/14/2012	5/18/2012	6481	\$15,485.75	4	5/21/2012	7
5/14/2012	Farmers Livestock Market of Glasgow, Inc.	13	\$3,019.05	\$13.43	\$3,032.48	5/15/2012	5/15/2012	6/8/2012	6504	\$3,032.48	24	6/11/2012	27

US Department of Agriculture

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Purchase Date	Seller's Name	Number of Head	Livestock Amount	Other Charges	Total Invoice	Due Date	Check Date	Payment Date	Check Number	Payment Amount	Days Late Per Payment Date	Date Check Cleared Bank	Check Date to Date Cleared
5/16/2012	Browning's Livestock Market	17	\$9,481.96	\$40.00	\$9,521.96	5/17/2012	5/17/2012	5/30/2012	6494	\$9,521.96	13	5/31/2012	14
5/21/2012	Farmers Livestock Market of Glasgow, Inc.	15	\$3,487.28	\$30.75	\$3,518.03	5/22/2012	5/22/2012	6/25/2012	6523	\$3,518.03	34	6/26/2012	35
5/21/2012	Mid-South Livestock Center, LLC	1	\$1,720.10	\$0.00	\$1,720.10	5/22/2012	5/22/2012	6/4/2012	6502	\$1,720.10	13	6/6/2012	15
5/28/2012	Farmers Livestock Market of Glasgow, Inc.	10	\$4,179.20	\$19.20	\$4,198.40	5/29/2012	5/29/2012	6/29/2012	6531	\$4,198.40	31	7/2/2012	34
5/30/2012	Browning's Livestock Market	9	\$5,210.79	\$35.00	\$5,245.79	5/31/2012	5/31/2012	6/12/2012	6513	\$5,245.79	12	6/13/2012	13
6/6/2012	Browning's Livestock Market	6	\$3,893.78	\$0.00	\$3,893.78	6/7/2012	6/7/2012	6/19/2012	6525	\$3,893.78	12	6/20/2012	13
6/16/2012	Smith County Commission, Inc.	66	\$16,206.41	\$0.00	\$16,206.41	6/18/2012	6/18/2012	6/22/2012	6530	\$16,206.41	4	6/25/2012	7
6/18/2012	Mid-South Livestock Center, LLC	10	\$5,840.25	\$0.00	\$5,840.25	6/19/2012	6/19/2012	6/25/2012	6533	\$5,840.25	6	6/27/2012	8