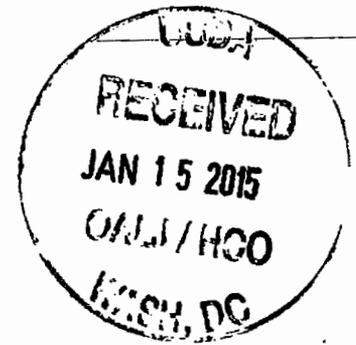


UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) Docket No.: 15-0057  
)  
Hubert Dennis Edwards )  
)  
) 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.*) (Act), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. §§ 201.1 *et seq.*) (regulations). Therefore the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, (Complainant), pursuant to Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 *et seq.*) issues this complaint alleging the following:

I

(a) Hubert Dennis Edwards (also known as H.D. Edwards) is an individual whose business mailing address is a post office box in Marana, Arizona 85653.

(b) At all times material herein Hubert Dennis Edwards is and was:

(1) Engaged in the business of a dealer buying or selling livestock in commerce;  
and

(2) Not registered or bonded with the Secretary of Agriculture as a dealer to buy or sell livestock in commerce.

## II

(a) By letter dated February 19, 2009, the Grain Inspection, Packers and Stockyards Administration (GIPSA) notified the respondent of his obligation to file an application for registration and to secure a bond or bond equivalent if he wished to engage in the business of buying and selling livestock in interstate commerce. The letter also informed the respondent that engaging in business in any capacity that is subject to the Act without being properly registered with the Grain Inspection, Packers and Stockyards Administration (GIPSA) and without filing a bond or bond equivalent is a violation of the Act and regulations and could subject the respondent to disciplinary action. The letter was received by Cheri Lewis on February 24, 2009. The respondent was not made aware of this letter until June 16, 2009.

(b) On January 6, 2012, in In re: H.D. Edwards, P&S Docket No. 10-0296, Administrative Law Judge Jill S. Clifton held that respondent, in April, May, and early June, 2009, while at the following posted stockyards: Marana Stockyards & Livestock Market, Inc. in Marana, Arizona, Pacific Livestock Auction, LLC in Chandler, Arizona and Willcox Livestock Auction, Inc. in Willcox, Arizona engaged in operations subject to the Packers and Stockyards Act, by (1) making purchases of livestock for which payment was not timely made, thereby engaging in an "unfair practice" in violation of section 312(a) of the Act (7 U.S.C. § 213(a)), and section 409(a) of the Act (7 U.S.C. § 228b(a)); (2) without maintaining an adequate bond or bond equivalent, thereby engaging in an "unfair practice" in violation of section 312(a) of the Act (7 U.S.C. § 213(a)), and section 201.29 of the regulations (9 C.F.R. § 201.29). The Administrative Law Judge ordered GIPSA to promptly mail to the respondent a packet of information, including an application for persons interested in registering as a dealer, along with information identifying the appropriate websites, a sample of required reports, and sample

instructions for the year-end report. The Administrative Law Judge ordered the respondent to cease and desist from failing to pay, when due, the full purchase price of livestock; and to cease and desist from engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act, as amended and supplemented, and the regulations promulgated thereunder, without maintaining an adequate bond or bond equivalent, as required.

(c) By certified letter dated January 11, 2012, GIPSA complied with the Administrative Law Judge's order and provided the respondent with the necessary registration and bond forms, website information, sample of the year-end reports, instructions, an additional copy of the written Decision and Order issued on January 6, 2012, and a point of contact should the respondent have any questions. The respondent signed for the certified mail thereby acknowledging receipt of the document on January 18, 2012.

### III

Notwithstanding the notice provided in 2009 and the Order issued by the Administrative Law Judge in January 2012, as stated in paragraph II, the respondent has continued to engage in the business of a dealer, as that term is defined in the Act and the regulations, without being registered with the Secretary and without maintaining an adequate bond or its equivalent as required by the Act and the regulations.

### IV

(a) On or about the dates and in the transactions set forth below, respondent purchased livestock and failed to pay, when due, the full purchase price of such livestock.

<u>Purchase Date</u>	<u>Seller</u>	<u>No. Head</u>	<u>Livestock Amount</u>	<u>Date Due</u>	<u>Days Late</u>
8/23/2012	Willcox Livestock Auction	17	5,372.70	8/24/2012	7
9/6/2012	Willcox Livestock Auction	8	2,510.50	9/7/2012	10

10/4/2012	Willcox Livestock Auction	5	1,941.50	10/5/2012	11
10/25/2012	Marana Stockyards	6	1,304.40	10/26/2012	6
11/1/2012	Marana Stockyards	10	3,538.75	11/2/2012	13
11/8/2012	Marana Stockyards	7	1,952.33	11/9/2012	6
12/13/2012	Marana Stockyards	9	3,168.35	12/14/2012	6

V

By reason of the facts alleged in paragraphs II and III, the respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)) and section 201.29 of the regulations (9 C.F.R. § 201.29).

By reason of the facts alleged in paragraphs II and IV, the respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b).

WHEREFORE, it is hereby ordered that this complaint shall be served upon the respondent for the purpose of determining whether the respondent has willfully violated the Act and the regulations. Respondent shall have twenty (20) days after receipt of this complaint in which to file an Answer with the Hearing Clerk, Room 1031 - South Building, United States Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 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.

The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration 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 such order or orders be issued, including an order requiring the respondent to cease and desist from the violations of the Act and the regulations found to exist, prohibiting the respondent from becoming a registrant under the Act for a specified period of time, requiring that the respondent not engage in operations subject to the Act unless or until he is adequately bonded as required by 7 U.S.C. § 204 of the Act, and assessing such civil penalties against the respondent as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.  
this 15<sup>th</sup> day of January, 2015

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

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