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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P & S Docket No. 16-0013
)	
Superior Canadian Livestock)	P & S Docket No. 16-0014
Auction, Ltd., Barbara Bezan and)	
Layton Bezan,)	P & S Docket No. 16-0015
)	
Respondents)	
)	COMPLAINT

There is reason to believe that the respondents named herein have willfully violated provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), hereinafter referred to as the Act, and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*) and therefore, this complaint is issued alleging the following:

I.

(a) Superior Canadian Livestock Auction, Ltd., hereinafter referred to as respondent business, is a business entity located at SW 31-20-19-W2M in Regina, Saskatchewan S4P3C6 (Canada). (See Letter to Hearing Clerk for service of process).

(b) Barbara and Layton Bezan, hereinafter referred to as respondent owners, are co-owners of respondent business with a mailing address of P.O. Box 1726, Regina, SK S4P3C6 (Canada). (See Letter to Hearing Clerk for service of process).

(c) Respondents at all times material herein were:

1. Engaged in the business of a dealer buying and selling livestock in commerce for its own account and the accounts of others.

2. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for its own account and the account of others.

II.

(a) On or about May 10, 2013, respondents falsely represented the weight of livestock sold to Kevin Rook, Hartley, Iowa, in that respondents purchased 139 steers from Bernie Trumm, Cascade, Iowa at a pre-shrunk weight of 70,315 pounds and sold those steers to Kevin Rook at a pre-shrunk weight of 70,685 pounds, thereby selling the steer for a 370 pound increase in pre-shrunk weight, for an unlawful profit of approximately four hundred seven dollars and eighty-three cents (\$407.83) in violation of 7 U.S.C. § 213(a) and 9 C.F.R. § 201.55(a).

(b) On or about May 8 & 9, 2013 and thereafter, respondents purchased from but failed to pay Bernie Trumm, Cascade, Iowa, the full purchase price of \$217,573.20 for four hundred steers, in violation of 7 U.S.C. §§ 213(a) and 228b. Respondents paid \$140,066.61 by check 784 to Trumm, which cleared on May 31, 2013. On November 19, 2013, respondents made two wire transfers, \$12,500.00 and \$7,500.00, leaving a balance of \$57,505.51 owed to Mr. Trumm.

(c) On or about May 29, 2013, respondents failed to keep sufficient funds for livestock transactions, in violation of 7 U.S.C. §§ 213(a) and 228b. Respondents issued check number 0794 for payment of livestock purchased from Bernie Trumm, Cascade, Iowa, in the amount of \$76,886.59, which was withheld for payment by the Canada Trust bank where respondents keep their business account.

(d) On or about February 13, 2013 to August 7, 2013, respondents unlawfully profited from eight livestock transactions, where respondents, acting as a dealer, purchased cattle, marked-up the price for sale and added a \$1.00 buying commission, for an unlawful profit of

approximately five thousand eight hundred sixty-seven dollars and fourteen cents (\$5,867.14) in violation of 7 U.S.C. § 213(a). (Attachment 1).

(e) On or about February 13, 2013 to July 25, 2013, respondents purchased livestock in six separate livestock transactions and failed to pay, when due, for such livestock purchases, in violation of Section 409(a) of the Act (7 U.S.C. § 228b(a)) and 9 C.F.R. § 201.43. (Attachment 2).

III.

By reasons of the facts alleged in paragraph II herein, respondents willfully violated Sections 312(a) and 409(a) of the Act (7 U.S.C. §§ 213(a) and 228b(a)) and 9 C.F.R. §§ 201.43 and 201.55(a) of the regulations.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have, in fact, willfully violated the Act, this complaint shall be served upon the respondents. Respondents shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 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 Packers and Stockyards Program requests:

1. That unless the respondents fail to file an answer within the time frame allowed therefor, or file 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 respondents to cease and desist from the violations found to exist and suspending the respondents as a registrant under the Act.

Done at Washington, D.C.

This 15th day of October, 2015

Susan B. Keith
Susan B. Keith
Deputy Administrator
Packers and Stockyards Program
Grain Inspection, Packers and
Stockyards Administration

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