

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: )  
 ) P&S Docket No. 16- 0055  
 )  
 Lonnie Martin )  
 )  
 )  
 Respondent )  
 ) Complaint

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.*) and, therefore, this complaint is issued alleging the following:

I.

(a) Lonnie Martin (hereinafter referred as Respondent) is an individual whose current mailing address is in the Commonwealth of Pennsylvania. The address will not be stated in the complaint to protect the privacy of the Respondent, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purposes of service of this complaint.

(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 January 7, 2008, Respondent signed a Decision without Hearing by Reason of Consent (P&S Docket No.-07-0127), agreeing to cease and desist from failing to pay the full

purchase price of livestock when due and from failing to pay the full purchase price for livestock within the time period required by the Act.

III.

On July 5, 2011, Chief Administrative Law Judge Davenport issued a Default Decision and Order (P&S Docket No.-10-0234) against Respondent to cease and desist from failing to pay the full purchase price of livestock and from buying livestock in commerce for the purposes of slaughter without maintaining an adequate bond or bond equivalent.

III.

In blatant disregard of the Orders, the Act, and the Regulations, Respondent, in three (3) separate transactions occurring from March 16 to March 27, 2012, purchased 63 head of livestock with a total value of \$14,230.90, and failed to pay the full amount of the purchase prices. Respondent purchased the livestock from Middleburg Area Market and Auction, LLC. As of August 26, 2015, Respondent owes Middleburg \$11,641.95 for his livestock purchases.

IV.

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

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondents have in fact willfully violated the Act and the Regulations issued thereunder, 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 of this Complaint.

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 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; and

(2) That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act and the Regulations found to exist and assessing such civil penalties against Respondent as are authorized by the Act and warranted in the circumstances.

Done at Washington, D.C.

this 17<sup>th</sup> day of February, 2016

  
Susan B. Keith  
Deputy Administrator  
Packers and Stockyards Program

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