

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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OAL/VOHC

2007 MAR -5 PM 12:15

In re:

P & S Docket No.

D 07-007/VED  
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North Texas Horse Sales, LLP

Respondent

Complaint

There is reason to believe that North Texas Horse Sales, LLP, ("Respondent") 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"), and therefore, this complaint is issued alleging the following:

I.

- (a) North Texas Horse Sales, LLP is a limited liability partnership organized and existing under the laws of Arkansas, whose business address is 10801 E. Hwy 82, Whitesboro, TX 76273 and whose mailing address is P.O. Box 647 Whitesboro, TX 76243.
- (b) Respondent at all times material to this complaint was:
  - (1) Engaged in the business of a posted stockyard subject to the provisions of the Act, located in Whitesboro, Texas,
  - (2) Engaged in the business of a market agency selling livestock in commerce on a commission basis, and
  - (3) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis.

## II.

Respondent failed to remit, when due, to the consignor the net proceeds of \$74,209.25 for an October 22, 2005, commission sale of 287 horses. The consignor, Jimmy Edwards, acted on behalf of the estate of Doug Edwards in this consignment. Respondent belatedly remitted a check for the net proceeds to Jimmy Edwards in the amount of \$74,209.25 on November 10, 2005.

## III.

Respondent failed to keep records, as required by section 401 of the Act (7 U.S.C. § 221), that fully and correctly disclosed all transactions involved in its business, in that Respondent failed to keep voided checks, dated invoices, or a complete custodial account register with documentation to support transfers from the custodial account to the operating account.

## IV.

By reason of the facts alleged in paragraph II, Respondent has wilfully violated sections 307 and 312(a) of the Act (7 U.S.C. §§ 208, 213) and section 201.43(a) of the regulations (9 C.F.R. § 201.43(a)) by failing to remit, when due, the net proceeds of the sale on commission.

By reason of the facts alleged in paragraph III, Respondent has violated section 312(a) by failing to keep records as required by section 401 of the Act (7 U.S.C. § 221).

WHEREFORE, it is ordered that for the purpose of determining whether Respondent has willfully violated the Act and the regulations thereunder, this complaint shall be served upon Respondent. Respondent shall file an answer within 20 days with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice. Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

Packers and Stockyards Program, GIPSA, requests:

1. That unless 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 Respondent to cease and desist from the violations found to exist and suspending the Respondent as a registrant under the Act as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 5 day of March, 2007



Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Program



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