

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Springfield Livestock Marketing
Center, L.L.C.,

Respondent

P&S Docket No. D-07-0167

Complaint

There is reason to believe that the 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) Springfield Livestock Marketing Center, L.L.C., (“Respondent”) is a limited liability company organized and existing under the laws of Missouri, whose business address is 6821 West Independence, Springfield, MO 65802.
- (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;
 - (2) Engaged in the business of a market agency selling livestock in commerce on a commission basis for the accounts of others;
 - (3) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis; and
 - (4) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

II.

On February 9, 2006, Jay A. Johnson, Regional Manager for the Packers and Stockyards Program, mailed Respondent a letter which informed Respondent that Respondent's livestock scale failed to comply with 9 C.F.R. § 201.71 of the regulations and U.R.2.7 contained in the General Code, Scale Code, and Weights Code of the 1996 edition of National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," ("Handbook 44") which is incorporated in 9 C.F.R. § 201.71 by reference, in that Respondent failed to maintain a suitable stock rack, with gates as required, which shall be securely mounted on the scale platform for use when weighing livestock.

By letter on May 04, 2006, Jay A. Johnson granted Respondent till June 9, 2006 to provide a response regarding the steps that Respondent would take to bring its livestock scale into compliance with Handbook 44. Respondent did not make the necessary modification to the livestock scale by June 9, 2006, and did not provide Complainant an additional response before June 9, 2006.

III.

On July 31, 2006, Respondent was observed selling livestock using the livestock scale without a suitable stock rack with gates which were securely mounted to the scale platform.

IV.

By reason of the facts alleged in paragraph III, Respondent has wilfully violated section 312(a) of the Act (7 U.S.C. §213) and section 201.71 of the regulations (9 C.F.R. § 201.71) by failing to maintain and operate a livestock scale which conformed to the requirements of U.R.2.7 of Handbook 44.

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.

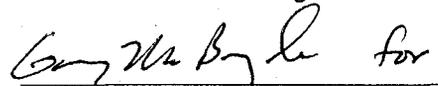
Packers and Stockyards Program, GIPSA, requests:

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

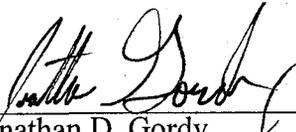
2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations found to exist, and assessing a civil penalty as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 7th day of August, 2007



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program



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