

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
) P&S Docket No. D-12- 0321
)
 Brian Adams,)
)
 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 the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. §§ 201.1 *et seq.*) and, therefore, this complaint is issued alleging the following:

I.

- (a) Brian Adams, referred to herein as the respondent, is an individual. The respondent's mailing address will not be stated in the complaint to protect the privacy of Mr. Adams, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purposes of service of this complaint.
- (b) The respondent was at all times material herein engaged in the business of a market agency buying livestock in commerce on a commission basis.
- (c) The respondent was at all times material herein not registered with the Secretary of Agriculture as a market agency buying livestock in commerce on a commission basis.

II.

In September, 2010, the respondent was notified by the Grain Inspection, Packers and Stockyards Administration ("GIPSA"), by certified mail, that GIPSA had information indicating that the respondent was engaging in the business of buying and selling livestock in commerce

without properly registering and filing a bond or bond equivalent as required by the Act and regulations. The letter referenced the Packers and Stockyards Act (7 U.S.C. §§ 181-229) and the regulations promulgated thereunder (9 C.F.R. §§ 201.1-201.200), and notified the respondent of his obligation to apply for registration and secure a bond or bond equivalent. The letter also stated that failure to comply with the registration and bonding requirements would result in appropriate corrective action.

III.

From October 22, 2009 through November 19, 2009, and from October 19, 2010 through December 9, 2010, in approximately twenty transactions at the Willcox Livestock Auction, Inc. in Willcox, AZ, Prescott Livestock Auction in Chino Valley, AZ, Pacific Livestock Auction, LLC in Chandler, AZ, and Marana Stockyards and Livestock Market, Inc. in Marana, AZ, involving a total of 5,062 head with a total purchase price of approximately \$ 2,860,676.31, the respondent engaged in the business of a market agency buying livestock in commerce on a commission basis without maintaining an adequate bond or bond equivalent.

IV.

By reason of the facts alleged in paragraph III, the respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)) and sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29 and 201.30).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and 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 in this complaint and a waiver of hearing.

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 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 an order be issued requiring the respondent to cease and desist from the violations of the Act and the regulations found to exist and assessing civil penalties against the respondent in accordance with the Act and as warranted by the facts and circumstances of this case.

Done at Washington, D.C.

this 26 day of March, 2012


Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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