

USDA  
CALJ/CHC

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

2011 OCT 17 PM 3:27

FILED  
12-0033 ED

In re: ) P&S Docket No. D-  
 )  
Douglas Butler )  
 )  
Respondent ) Complaint

There is reason to believe that respondent has willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181-229) (Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. §§ 201.1-.200) (regulations), and therefore this complaint is issued alleging:

I.

(a) Douglas Butler is an individual. The mailing address of Respondent Butler is a home address located in Vermont, and will not be stated in this complaint to protect his privacy, 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 Butler, at all times material to this complaint, is:

(1) Engaged in the business of a dealer, buying and selling livestock in commerce for his own account;

(2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock for his own account and as a market agency buying livestock on commission.

II.

On or about the dates, and in the transactions listed below, Respondent Butler failed to pay M.R. Pollock & Sons, Inc, for livestock:

Purchase Date	Livestock Amount
5/16/2009	\$56,550.00
5/17/2009	\$22,300.00
5/28/2009	\$6,950.00
7/12/2009	\$5,600.00
7/22/2009	\$750.00
Summer 2009	\$13,650.00
Total	\$105,800.00

As of December 30, 2010, no portion of this amount had been paid.

III

Respondent Butler did not maintain records of the transactions that took place between him and M.R. Pollock & Sons in that Respondent Butler did not maintain any invoices pertaining to any cattle that he purchased from M.R. Pollock & Sons, and he has no records or inventory of the cattle he purchased from M.R. Pollock and Sons.

IV

(a) By reason of the facts alleged in paragraph I, Respondent Butler is a

dealer within the meaning of section 301(d) the Act.

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

(c) By reason of the facts alleged in paragraph III, Respondent Butler has failed to keep records that fully and correctly disclose all the transactions involved in their business, as required by section 401 of the Act (7 U.S.C. § 221) by failing to keep invoices and inventory records.

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether Respondent Butler has willfully violated the Act and the regulations. Respondent Butler shall have twenty (20) days after receipt of this complaint to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington D.C. 20250, in accordance with the Rules of Practice Governing Proceedings Under the Act (7 C.F.R. § 1.130 et seq.)(Rules of Practice). 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.

Packers and Stockyards Program, GIPSA, requests:

1. That unless Respondent Butler 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 Butler to cease and desist from the violations of the Act found to exist,

suspending Respondent Butler as a registrant under the Act, and assessing such penalties as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 19 day of October, 2011



Alan R. Christian  
Deputy Administrator,  
Packers and Stockyards Program

JONATHAN D. GORDY  
Attorney for Complainant  
Office of the General Counsel  
United States Department of Agriculture  
Trade Practices Division  
1400 Independence Avenue, S.W.  
Room 2004, South Building  
Washington, D.C. 20250  
Telephone: (202) 720-5065