

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re: )  
 ) P & S Docket No. 13- 0059  
Johnny Dobson, )  
 )  
Respondent ) Complaint  
 )

There is reason to believe that the respondent named herein has willfully violated provisions of the Packers and 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) Johnny Dobson, 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. Dobson, 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 is, and at all times material herein was:

- (1) Engaged in the business of a market agency buying livestock on a commission basis in commerce; and
- (2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce, but his registration was made inactive on September 1, 2010, at the respondent's request.

II

(a) In 1987, respondent was registered with the Secretary of Agriculture to engage in the

business of a dealer to buy and sell livestock in commerce. On August 12, 2010, GIPSA received notice from Merchants Bonding Company that the respondent's bond would be cancelled effective thirty days after receipt of the notice. GIPSA sent the respondent a letter by certified mail on August 16, 2010, notifying the respondent that unless he had a new bond or bond equivalent securing the performance of his obligations under the Act on or before September 11, 2010, he must discontinue all livestock operations for which bonding is required under the Act. The respondent received the letter on August 21, 2010.

(b) The respondent wrote GIPSA on August 31, 2010, informing the agency that he had discontinued his livestock dealer operations as a registrant and requesting that his registration be made inactive. On September 1, 2010, GIPSA made his registration inactive.

### III

During the period from August 2, 2011, through November 12, 2011, in approximately twelve transactions involving the purchase of a total of 1,117 head of livestock from Emory Livestock Auction, Inc. in Emory, TX, for a total purchase price of \$777,908.79, 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 above, respondent 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 this complaint shall be served upon respondent for the purpose of determining whether respondent has willfully violated the Act and regulations.

Respondent shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing 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 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 of the Act and the regulations found to exist, suspending the respondent as a registrant under the Act, and assessing such civil penalties against respondent as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 31 day of October, 2012



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Deputy Administrator  
Packers and Stockyards Program

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