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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) P&S Docket No. 13-0124
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)
)
Robin Olson d/b/a)
American Cattle Services,)
)
)
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) Robin Olson d/b/a American Cattle Services, referred to herein as respondent, is individual whose current address is in the State of Wisconsin. His address will not be stated in the complaint to protect respondent's privacy but will be provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service of this complaint.

(b) Respondent is, and at all times material herein was:

(1) Engaged in the business of a dealer buying and selling livestock in commerce;

and

(2) Not registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

II

(a) In 2010, respondent was registered with the Secretary of Agriculture as a dealer to buy

and sell livestock in commerce and he had a \$10,000 surety bond. On September 3, 2010, the Grain Inspection, Packers & Stockyards Administration (GIPSA) sent respondent a Bond Termination Notice notifying him that his bond would terminate on November 7, 2010. The Bond Termination Notice informed respondent of his obligation to secure a bond if he wished to engage in the business of buying and selling livestock in interstate commerce. It also informed respondent that engaging in business in any capacity that is subject to the Act without filing an adequate bond or bond equivalent is a violation of the Act and regulations and could subject him to disciplinary action. Notwithstanding the Bond Termination Notice, respondent continued to engage in the business of a dealer buying and selling livestock in commerce without maintaining an adequate bond or bond equivalent as required by the Act and regulations.

(b) Respondent failed to timely file his annual report for 2010, and on May 2, 2011, GIPSA sent respondent a Notice of Default-Annual Report notifying him that his annual report was delinquent. Respondent still did not file his annual report for 2010, and on June 8, 2011, GIPSA sent him a Registration Expiration Notice notifying him that his failure to file his annual report had resulted in the expiration of his registration. The notice also informed respondent of his obligation to file a new application for registration and to submit the delinquent annual report if he wished to engage in the business of buying and selling livestock in interstate commerce and that engaging in business in any capacity that is subject to the Act without complying with the registration provisions of the Act is a violation of the Act and regulations and could subject him to disciplinary action. Notwithstanding the Registration Expiration Notice and the Bond Termination Notice, respondent has continued to engage in the business of a dealer buying and selling livestock in commerce without being registered with the Secretary or having and maintaining an adequate bond or bond equivalent as required by the Act and regulations.

(c) During the period from March 3, 2011, through May 9, 2011, in twelve transactions involving his purchase of a total of 19 head of livestock from various livestock dealers for a total purchase price of \$10,617.95, respondent engaged in the business of a dealer buying and selling livestock in commerce without having and maintaining an adequate bond or bond equivalent.

III

(a) In five of the transactions referenced in paragraph II(c) of this complaint, respondent issued insufficient funds checks in payment for his livestock purchase. Respondent thus failed to have and maintain sufficient funds on deposit and available in the account upon which the checks were drawn to pay such checks when presented for payment.

(b) In the five transactions in which respondent issued insufficient funds checks, respondent failed to pay the full amount of the livestock purchase price. As of the date of the filing of this complaint, respondent has failed to pay \$4,779.00 for these purchases.

(c) In the seven other transactions referenced in paragraph II(c) of this complaint, respondent failed to pay, when due, the full amount of the livestock purchase price within the time period required by the Act.

IV

In nine transactions that occurred during the period from April 7, 2011, through May 9, 2011, and involved respondent's purchase of 14 head of livestock from various livestock dealers for a total purchase price of \$7,217.95, respondent purported to sell the livestock on a carcass weight basis and paid the livestock sellers based on his estimate of the carcass weight, when in fact he sold the livestock on a live weight basis.

By reason of the facts alleged in paragraph II, 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).

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

By reason of the facts alleged in paragraph IV, respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)) and section 201.55 of the regulations (9 C.F.R. § 201.55).

WHEREFORE, it is hereby ordered that for the purpose of determining whether respondent has in fact willfully violated the Act and regulations issued thereunder, this complaint shall be served upon respondent. 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 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 respondent to cease and desist from

the violations of the Act and the regulations found to exist; prohibiting respondent, for a specified period, from engaging in business in any capacity for which registration and bonding are required under the Act; and assessing such civil penalties against respondent as are authorized by the Act and warranted by the facts and circumstances of this case.

Done at Washington, D.C.

this 12 day of December, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

Thomas N. Bolick
Attorney for the Complainant
Office of the General Counsel—Marketing, Regulatory, and Food Safety Programs Division
Room 2319, South Building
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250-1400
Telephone: (202) 690-2032