

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) P & S Docket No. D-13-026  
)  
Carlisle Livestock Market, Inc. )  
)  
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.*), hereinafter referred to as “the Act,” and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*), hereinafter referred to as “the Regulations,” and therefore, this Complaint is issued alleging the following:

I

- (a) Carlisle Livestock Market, Inc., (“Respondent”) is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, whose business mailing address is P.O. Box 1045, Carlisle, PA 17013.
- (b) Respondent, at all times material herein, was:
  - (1) Engaged in the business of buying and selling livestock in commerce for its own account as a market agency; and
  - (2) Registered with the Secretary of Agriculture as a market agency selling livestock on commission.

II

- (a) On or about December 14, 2010, the Packers and Stockyards Program (the “P&SP”) conducted a check weigh investigation at the Respondent establishment. During the investigation at Respondent establishment, the P&SP investigator noticed that

Respondent was not using a printing device with its scale and that weights were being handwritten on the scale tickets. As a result of the investigation, on January 5, 2011, the P&SP Eastern Regional Office sent a Notice of Violation to the Respondent citing violations of section 312(a) of the Act, and section 201.71(b) of the Regulations. The Notice of Violation was received by Respondent on January 17, 2011.

- (b) On or about December 14, 2011, the investigator began a follow-up investigation at Respondent establishment. Once again, the investigator found that the Respondent was not using a printing device with its scale and that the weights were being handwritten on the scale tickets. As a result, the investigator collected evidence of 15 transactions, from December 6, 2011 through December 20, 2011, in which handwritten tickets were issued by Respondent.
- (c) On or about February 22, 2012, P&SP conducted a second follow-up investigation to determine if Respondent had obtained a printer for their scale. At the time of that investigation, no printer had been obtained.

### III

By reason of the facts alleged in paragraph II herein, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. 213(a)) and sections 201.71(b) of the Regulations (9 C.F.R. 201.71(b)).

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether the Respondent has willfully violated the Act and the regulations issued thereunder. Respondent shall have twenty (20) days after receipt of this complaint in which 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

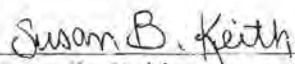
Proceedings under the Act (7 C.F.R. § 1.130 *et seq.*; "Rules of Practice"). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (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 accord with the Rules of Practice governing proceedings under the Act.
2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act with respect to the matters alleged herein, and assessing such penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 30<sup>th</sup> day of June, 2013

  
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Susan B. Keith  
Deputy Administrator  
Packers and Stockyards Program

  
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