

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:

Bobby T. Tindel
d/b/a BT Tindel Cattle Co.,

Respondent

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P&S Docket No.

14-0055

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Complaint

There is reason to believe that the respondent named herein has willfully violated the Packers & Stockyards Act, 1921 (“the Act”), 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) Bobby T. Tindel, referred to herein as the respondent, is an individual. The respondent’s mailing address is P.O. Box 53, Chandler, TX 75758.
- (b) The respondent was at all times material herein:
 - (1) Engaged in the business of a livestock dealer buying and selling livestock in commerce for his own account;
 - (2) Engaged in the business of a market agency buying livestock in commerce on a commission basis; and
 - (3) Not registered with the Secretary of Agriculture as a livestock dealer buying and selling livestock in commerce or a market agency buying livestock in commerce on a commission basis.

III.

On January 3, 2007, the Grain Inspection Packers & Stockyards Administration of the United States Department of Agriculture (GIPSA) sent a letter to Respondent, via certified mail, notifying Respondent that his surety bond maintained in connection with his operation subject to the Act would terminate on March 2, 2007. The letter stated that unless respondent obtained a new bond or bond equivalent securing the performance of his livestock obligations on or before March 2, 2007, Respondent would have to discontinue all livestock operations for which bonding is required under the Act. The letter specifically stated that, “continuing such operations is considered a violation of the Act and regulations issued thereunder and may subject [Respondent] to disciplinary action under the Act (7 U.S.C. §§ 192 (packers), 204, 213(a) (market agencies and dealers) and 9 C.F.R. §§ 201.29-201.30).” Notwithstanding such notice, Respondent engaged in the business of a market agency buying on commission without maintaining an adequate bond or bond equivalent.

III.

On June 14, 2010, the respondent was notified by the Grain Inspection, Packers and Stockyards Administration (“GIPSA”), by certified mail, his registration to lawfully conduct business under the P&S Act had expired due to his failure to comply with the annual report requirement. The letter referenced section 201.10, of the regulations promulgated thereunder (9 C.F.R. § 201.10,), and notified the respondent that he must immediately cease dealer and market agency buying on commission operations. The letter also stated that failure to comply with the registration and bonding requirements would result in appropriate corrective action. Notwithstanding such notice, the respondent continued to engage in the business of buying

livestock in commerce without registering and without maintaining an adequate bond or bond equivalent as required by the Act and the regulations.

IV.

Based on the facts in paragraphs II and III, GIPSA initiated a disciplinary proceeding on April 5, 2012 (In re: Bobby T. Tindel, P&S Docket No. 12-0324). On June 28, 2012, a Chief Administrative Law Judge Davenport signed a Default Decision and Order, ordering respondent to cease and desist from engaging in operations subject to the Act without maintaining an adequate bond or bond equivalent as required by 7 U.S.C. § 204 and section 201.29 of the regulations (9 C.F.R. § 201.29). The Decision also assessed a civil penalty against respondent in the amount of eight thousand dollars (\$8,000.00)¹. The Decision was served on the respondent on July 3, 2012 and became final and effective on August 7, 2012.

V.

From about September 6, 2012, through September 29, 2012, in approximately two transactions at the Athens Livestock Commission Co., Inc., a posted stockyard in Athens, Texas; approximately three transactions at the Longview Livestock Commission Co., a posted stockyard in Longview, Texas; two transactions at the Tri-County Livestock Market, Inc., a posted stockyard in New Summerfield, Texas; and in approximately two transactions at the Anderson County Livestock Auction, Inc., a posted stockyard in Elkhart, Texas, involving a total of 59 head with a total purchase price of approximately \$41,151.07, the respondent bought livestock in commerce without maintaining an adequate bond or bond equivalent.

¹ As of the date of this filing, respondent has not made any payment on the civil penalty. The penalty was referred to the Treasury Department for collection in January of 2013.

IV.

From about September 10, 2012, through September 29, 2012, in approximately two transactions with Wayne Maddox in Watonga, Oklahoma; one transaction with Billy Hill in Arp, Texas; and one transaction with D & E Farms in Brownboro, Texas; involving a total of 61 head with a total purchase price of approximately \$46,282.91, the respondent sold livestock in commerce without maintaining an adequate bond or bond equivalent.

V.

By reason of the facts alleged in paragraph III through IV, the respondent has willfully violated 7 U.S.C. § 204, a supplement to the Act, sections 312(a) and 314 of the Act (7 U.S.C. §§ 213(a), 215) and sections 201.29-201.31 of the regulations (9 C.F.R. §§ 201.29-201.31).

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 8th day of January, 2014

Susan B. Keith
Susan B. Keith
Deputy Administrator
Packers and Stockyards Program

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