

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)
)
 Plainville Livestock Commission, Inc.,)
)
 and)
)
 Tyler Gillum,)
)
)
 Respondents) Complaint

Docket No. 14-0074
0077

There is reason to believe that the respondents named herein 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) Respondent Plainville Livestock Commission, Inc., is a corporation organized under the laws of the State of Kansas, with a mailing address of PO Box 356, Plainville, Kansas, 67663.
- (b) Respondent Tyler Gillum is an individual whose business mailing address is PO Box 356, Plainville, Kansas, 67663.
- (c) Respondent Plainville Livestock Commission, Inc., under the direction, management, and control of Respondent Tyler Gillum, is, and at all times material herein was:
 - (1) Engaged in the business of conducting and operating Plainville Livestock Commission, Inc., a stockyard posted under and subject to the provisions of the Act;
 - (2) Engaged in the business of a market agency selling livestock on a commission basis in commerce; and

- (3) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis in commerce.
- (d) Respondent Tyler Gillum is, and at all times material herein was:
- (1) President of Respondent Plainville Livestock Commission, Inc.;
 - (2) Owner of 100% of Plainville Livestock Commission, Inc.; and
 - (3) Responsible for the direction, management and control of Respondent Plainville Livestock Commission, Inc.

II.

On October 22, 2012, Respondents consented to the issuance of an order by Chief Administrative Law Judge Peter M. Davenport, acting on behalf of the Secretary of Agriculture, directing Mr. Gillum to, *inter alia*, cease and desist from violating 9 C.F.R. § 201.42 and to cease and desist using funds from the sale of consigned livestock for the payment of bank fees, or for any purpose other than payment to consignors of the amount due from the sale of their livestock and the payment of lawful marketing charges.

III.

Respondent Plainville Livestock Commission, Inc., under the direction, management, and control of Respondent Tyler Gillum, violated this Order when, on January 31, 2013 and February 28, 2013, they failed to properly use and maintain its custodial account, thereby endangering the faithful and prompt accounting of shippers' proceeds and the payments due the owners or consignors of livestock, in that:

- (a) As of January 31, 2013, Respondents had a custodial account shortage of \$287,538.16.

(b) As of February 28, 2013, Respondents had a custodial account shortage of \$31,050.89.

IV.

By reason of the facts alleged in paragraphs II and III, Respondents willfully violated sections 307 and 312(a) of the Act (7 U.S.C. §§ 208, 213(a)) and section 201.42 of the regulations (9 C.F.R. § 201.42).

WHEREFORE, it is hereby ordered that this complaint shall be served upon the Respondents for the purpose of determining whether respondents willfully violated the Act and regulations. Respondents 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 Respondents fail to file an answer within the time allowed, or file 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 respondents to cease and desist from the violations of the Act and the regulations found to exist, suspending respondents as registrants under the Act for a specified period of time, and assessing such civil penalties against respondents as are authorized by the Act and warranted under the

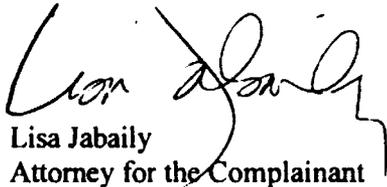
circumstances.

Done at Washington, D.C.

this 27th day of February, 2014

Susan B. Keith

Susan B. Keith
Deputy Administrator
Packers and Stockyards Program



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