

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

2015 MAY 11 PM 3:06

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In re:	)	
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Matt Goosen, d/b/a Dennis Goosen,	)	P & S Docket No. 15- 0112
d/b/a Cane Cattle Company,	)	
d/b/a Cane Cattle, d/b/a Cain Cattle,	)	
d/b/a Goosen Land and Cattle, and	)	
d/b/a Goosen Cattle	)	
	)	
	)	
Respondent	)	Complaint

There is reason to believe that the Respondent named herein has willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act), and, therefore, this complaint is issued alleging the following:

I.

(a) Matt Goosen, d/b/a Dennis Goosen, d/b/a Cane Cattle Company, d/b/a Cane Cattle, d/b/a Cain Cattle, d/b/a Goosen Land and Cattle, and d/b/a Goosen Cattle (Respondent) is an individual whose mailing address is in the State of Texas. The address will not be stated in the complaint to protect the privacy of Respondent, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purposes of service of this complaint and future filings.

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

- (1) Engaged in the business of a dealer buying and selling livestock in commerce for his own account; and
- (2) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce for his own account and as a market agency buying

livestock in commerce on a commission basis.

(c) Respondent conducts his dealer operations subject to the Act under the following trade names: Dennis Goosen, Cane Cattle Company, Cane Cattle, Cain Cattle, Goosen Land and Cattle, and Goosen Cattle. In a sworn affidavit signed by Respondent on August 12, 2013, Respondent admitted to buying and selling livestock under the names Dennis Goosen, Cane Cattle Company, Goosen Land and Cattle, and Goosen Cattle. A copy of excerpted pages from the 86 page affidavit is attached hereto as Exhibit A and incorporated herein by reference.

## II.

In a Notice of Violation letter dated January 28, 2013 and served on Respondent on February 14, 2013, the Aurora, Colorado Regional Office of the P&S Program informed Respondent that an investigation had found that Respondent had failed to pay the full amount of the purchase price for livestock before the close of the next business day following purchase of the livestock. Respondent was further informed that failing to pay for livestock when due is a violation of sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b) and that he must correct his payment practices or he may be subject to formal action charging him with violations of the Act.

## III.

(a) Respondent, in connection with his operations subject to the Act, on or about the dates and in the transactions set forth in Exhibit B, which is attached hereto and incorporated herein by reference, issued checks in payment for livestock purchases, which checks were returned unpaid by the bank upon which they were drawn because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which the checks were drawn to pay the checks when presented.

(b) Respondent, in connection with his operations subject to the Act, in the transactions set forth in Exhibit B and incorporated herein by reference, and in the additional transactions set forth in Exhibit C, which is attached hereto and incorporated herein by reference, purchased livestock and failed to pay the full amount of the purchase price for such livestock within the time period required by the Act, with the livestock amount remaining unpaid of \$145,669.44 as of April 23, 2015. Respondent purchased and sold livestock at Coleman Livestock Auction Commission Co., Inc., Coleman, Texas, Graham Livestock Sales Corp., Graham, Texas, G&G Livestock Auction, LLC d/b/a Big Spring Livestock Auction, Big Spring, Texas, Comanche Livestock Exchange, LLC, Comanche, Texas, and Abilene Auction, Inc., Abilene, Texas, all posted stockyards.

(c) In the sworn affidavit signed by Respondent on August 12, 2013, which was previously identified as Exhibit A and is incorporated herein by reference, Respondent admitted that the checks he issued for the livestock transactions set forth in Exhibit B were returned "NSF." Respondent further admitted in the sworn affidavit that he had failed to make timely payment for the livestock purchases set forth in Exhibits B and C. More specifically, Respondent admitted that as of the date of the affidavit, of the net invoice amounts, Respondent still owed \$48,885.20 for the May 15, 2013 transaction at Coleman Livestock Auction Commission Co., Inc., \$46,778.50<sup>1</sup> for the May 29, 2013 transaction at Coleman Livestock Auction Commission Co., Inc., \$42,803.81 for the May 31, 2013 transaction at G&G Livestock Auction, LLC d/b/a Big Spring Livestock Auction, \$15,586.27 for the June 1, 2013 transaction at Comanche Livestock Exchange, LLC, \$6,155.67 for the two June 3, 2013 purchases at Graham

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<sup>1</sup> Respondent mistakenly admitted in the affidavit that he owed \$48,778.50. The net invoice amount for this transaction was only \$46,778.50.

Livestock Sales Corp, and \$5,033.25 for the June 7, 2013 transaction at G&G Livestock Auction, LLC d/b/a Big Spring Livestock Auction.

IV.

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

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether Respondent willfully violated the Act. 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, SW., Washington, DC 20250-9200, in accordance with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (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 will constitute an admission of all the material allegations of this complaint.

The Packers and Stockyards Program, 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 found to exist, suspending Respondent as a registrant under the Act for a specified period of time, and assessing such civil penalties against

Respondent as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 11<sup>th</sup> day of May, 2015

  
Susan B. Keith  
Deputy Administrator  
Packers and Stockyards Program

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