

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) P&S Docket No. D-15 - 003  
Robert Snow )  
d/b/a Snow Cattle Co., )  
)  
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 the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) (regulations). Therefore, the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture issues this complaint alleging the following:

I

(a) Robert Snow d/b/a Snow Cattle Company, referred to herein as the respondent, is an individual. The respondent's mailing address will not be provided in the complaint to protect the privacy of Mr. Snow, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purpose of service of this complaint.

(b) The respondent is, and at all times material herein was engaged in the business of a dealer buying and selling livestock in commerce and a market agency buying livestock on a commission basis in commerce.

(c) The respondent is sole owner of Robert Snow d/b/a Snow Cattle Company and is responsible for the direction, management and control of Robert Snow d/b/a Snow Cattle Company.

(d) The respondent at all times material to this complaint was registered with the Secretary of Agriculture as:

1. A dealer buying and selling livestock in commerce; and
2. A market agency buying livestock on a commission basis in commerce.

## II

(a) On May 20, 2011, the Packers and Stockyards Program (P&S), Grain Inspection, Packers and Stockyards Administration (GIPSA) issued to the respondent a Notice of Violation (NOV). The NOV was received and signed for by respondent on May 23, 2011. The NOV notified the respondent that a failure to pay for livestock within the time period required by the Act is an unfair practice in violation of section 409 (7 U.S.C. §228b) and section 312(a) (7 U.S.C. §213(a)). The NOV also informed the respondent that the failure to maintain adequate records was a violation of section 401 of the Act (7 U.S.C. §221) and section 203.4 of the statements of general policy issued under the Act (7 C.F.R. §203.4).

(b) On May 6, 2012, the respondent waived his right to a hearing and agreed to pay a civil penalty of \$1,750 in settlement of the violations alleged against him. P&S alleged that the respondent failed to pay within the time prescribed by the Act for livestock in at least 14 transactions. Additionally, it was alleged that respondent kept inadequate records.

(c) On or about July 24, 2012, GIPSA issued to the respondent a Notice of Default (NOD). The NOD was claimed and signed for by respondent on July 28, 2012. The NOD informed the respondent of his obligation to maintain a reasonable bond or bond equivalent if he wished to engage in the business of buying and selling livestock in interstate commerce. Additionally, respondent was informed that engaging in business in any capacity that is subject

to the Act without maintaining a reasonable bond or bond equivalent is a violation of the Act and regulations and could subject him to a disciplinary action.

(d) GIPSA via a certified letter dated November 7, 2012, and received by the respondent on November 23, 2012, informed the respondent that the surety bond maintained in connection with respondent's registration would terminate on December 14, 2012, and that the failure to have a new bond or bond equivalent was a violation of section 312(a) of the Packers and Stockyards Act (7 U.S.C. 213) and section 201.29 of the regulations promulgated thereunder (9 C.F.R. 201.29).

### III

On November 23, 2012, the respondent was notified by certified mail, that the surety bond maintained in connection with his registration would terminate on December 14, 2012 and that unless a new bond or bond equivalent was obtained to secure the performance of his livestock obligations on or before December 14, 2012, he must discontinue all livestock operations for which bonding was required under the Act. Respondent was also notified that, if he continued his livestock operations under the Act after that date without filing an adequate bond or bond equivalent, he would be in violation of section 312(a) of the Packers and Stockyards Act ( 7 U.S.C. 213) and section 201.29 of the regulations (9 C.F.R. 201.29). Notwithstanding such notice, the respondent continued to engage in the business of a market agency buying and/or selling livestock in commerce on a commission basis or dealer buying and selling livestock in commerce without maintaining a bond or bond equivalent, as required by the Act and the regulations on or about the dates and in the transactions set forth in this paragraph.

<u>Purchase Date</u>	<u>No. Head</u>	<u>Livestock Amount</u>	<u>Seller/ Purchased From</u>
12/17/12	127	\$94,020.07	Atoka Livestock, LLC
05/11/13	148	\$89,794.54	Rusty Roberts
05/14/13	24	\$16,145.83	Stone Livestock Commission
05/18/13	104	\$81,795.14	Rusty Roberts
05/18/13	83	\$56,126.74	Cattlemen's Livestock Commission

IV

(a) On or about the dates and in the transactions set forth below respondent purchased livestock in commerce, and failed to pay, when due, the full purchase price of such livestock.

<u>Purchase Date</u>	<u>Seller</u>	<u>No. Head</u>	<u>Livestock Amount</u>	<u>Date Due</u>	<u>Days Late</u>
05/07/12	Atoka Livestock	24	\$18,732.95	5/8/12	6
05/10/12	(CLC) Cattlemen's Livestock Comm.	12	\$10,283.35	5/11/12	6
05/14/12	Atoka Livestock	36	\$28,704.89	5/15/12	6
06/11/12	Atoka Livestock	36	\$28,878.72	6/12/12	6
07/09/12	Atoka Livestock	35	\$23,863.90	7/10/12	6
07/11/12	Idabel Stockyards	17	\$11,123.30	7/12/12	11
07/16/12	Atoka Livestock	38	\$25,616.45	7/17/12	6
07/21/12	CLC	82	\$56,451.24	7/23/12	14
07/30/12	Atoka Livestock	35	\$25,792.69	7/31/12	6
08/04/12	CLC	70	\$47,370.20	8/6/12	14
08/06/12	Atoka Livestock	56	\$41,906.40	8/7/12	6

08/07/12	McAlester Union	84	\$60,002.08	8/8/12	5
08/13/12	Atoka Livestock	65	\$49,489.50	8/14/12	114
05/14/13	Stone Livestock Commission	24	\$15,894.93	5/15/13	9
05/18/13	CLC	83	\$56,126.74	5/20/13	92

(b) Respondent did not meet the requirements prescribed by the Secretary in section 201.200 of Title 9, Code of Federal Regulations, for purchasing livestock on credit.

V

(a) On or about the dates and in the transactions set forth below respondent purchased livestock in commerce, and failed to pay the full purchase price of such livestock.

<u>Purchase Date</u>	<u>Seller</u>	<u>No. Head</u>	<u>Livestock Amount</u>	<u>Date Due</u>	<u>Days Late</u>
08/08/12	Stigler Livestock	88	\$11,436.63	8/9/12	unpaid
08/20/12	Atoka Livestock	90	\$24,459.90	8/21/12	unpaid
12/10/12	Atoka Livestock	139	\$94,341.75	12/11/12	unpaid
12/17/12	Atoka Livestock	127	\$94,020.07	12/18/12	unpaid
05/11/13	Roberts Cattle Buyer	148	\$84,794.54	5/20/13	unpaid
05/18/13	Roberts Cattle Buyer	104	\$81,795.14	5/28/13	unpaid

(b) As of the filing of this complaint \$390,848.03 remains unpaid.

VI

Respondent, on or about the dates and in the transactions set forth in this paragraph, 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 accounts upon which such checks were drawn to pay such checks when presented.

<u>Purchase Date</u>	<u>Payee</u>	<u>Amount</u>
07/11/2012	Idabel Stockyards	\$11,123.30
07/16/2012	Atoka Livestock	\$25,616.45
07/21/2012	Cattlemen's Livestock Commission	\$56,451.24
08/04/2012	Cattlemen's Livestock Commission	\$47,370.20
08/08/2012	Stigler Livestock Auction	\$61,436.63
08/13/2012	Atoka Livestock	\$49,489.50
08/20/2012	Atoka Livestock	\$65,970.40
12/10/2012	Atoka Livestock	\$94,341.75
12/17/2012	Atoka Livestock	\$93,661.03
05/11/2013	Roberts Cattle Buyer	\$84,794.54
05/14/2013	Stone Livestock Commission	\$15,894.93
05/18/2013	Cattlemen's Livestock Commission	\$56,126.74
05/18/2013	Roberts Cattle Buyer	\$81,795.14

## VII

Respondent, in connection with his operations subject to the Act, failed to keep and maintain records which fully and correctly disclosed all the transactions involved in their business as a dealer as required by section 401 of the Act (7 U.S.C. §221). Specifically, respondent failed to keep and maintain all purchase invoices, bank statements, and other documents permitting the tracing of all payments made and received for livestock purchases and sales.

## VIII

By reason of the facts alleged in paragraphs II and III the 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 paragraphs II, IV, V, and VI, the respondent has willfully violated section 312(a) and 409 of the Act (7 U.S.C. § 213(a) and 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

By reason of the facts alleged in paragraph VII, the respondent violated section 401 of the Act (7 U.S.C. §221).

WHEREFORE, it is hereby ordered that this complaint shall be served upon the respondents 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, 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 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.

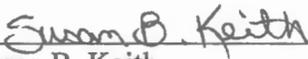
The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration requests:

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 such order or orders be issued, including an order requiring the respondent to cease and desist from the violations of the Act found to exist, requiring that the respondent not engage in operations subject to the Act unless or until he is adequately bonded as required by 7 U.S.C. §204 of the Act, suspending respondent as a registrant under the Act, and assessing such civil penalties against the respondent as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 25<sup>th</sup> day of November, 2014

  
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Susan B. Keith  
Deputy Administrator  
Packers and Stockyards Program

DARLENE M. BOLINGER  
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) 720-2028  
Darlene.Bolinger@ogc.usda.gov