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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

FILED

In re:

) P&S Docket No. 12-

0544

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)  
) Weikert's Livestock, Inc.,  
) and Todd D. Weikert,  
)  
)  
)

) Respondents

) Complaint

There is reason to believe that the respondents named herein have 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 Weikert's Livestock, Inc., referred to herein as the respondent corporation, is a corporation organized under the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 721 Carrolls Tract Road, Fairfield, Pennsylvania 17320. Respondent corporation's business mailing address is P.O. Box 707, Fairfield, Pennsylvania 17320.

(b) Respondent corporation, under the direction, management, and control of respondent Todd D. Weikert, is, and at all times material herein, was:

- (1) Engaged in the business of buying and selling livestock in commerce;
- (2) A dealer within the meaning of, and subject to, the provisions of the Act; and
- (3) Registered with the Secretary of Agriculture as a dealer to buy and sell

livestock in commerce.

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(c) Respondent Todd D. Weikert, referred to herein as respondent Weikert, is an individual with a business mailing address of P.O. Box 707, Fairfield, Pennsylvania 17320.

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

- (1) The owner and president of respondent corporation;
- (2) Engaged in the business of conducting and operating respondent corporation as a dealer buying and selling livestock in commerce;
- (3) A dealer within the meaning of, and subject to, the provisions of the Act; and
- (4) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

## II

On September 19, 2002, respondents entered into a consent decision and order in the administrative proceeding captioned In re: Weikert's Livestock, Inc., and Todd D. Weikert, P&S Docket No. D-02-0006. The consent decision included cease and desist provisions that, among other things, ordered respondents to "cease and desist from failing to pay, when due, the full purchase price of livestock." The consent decision also suspended respondents as registrants under the Act for ten (10) years, but held the suspension in abeyance as long as respondents met certain other terms and conditions of the decision. On April 21, 2006, a supplemental order was issued terminating the respondents' suspension under the previous consent decision but preserving that decision's cease and desist provisions. On that same date, respondents and the complainant entered into another consent decision and order in the administrative proceeding captioned In re: Weikert's Livestock, Inc., and Todd D. Weikert, P&S Docket No. D-06-0007. The second consent decision likewise ordered respondents to "cease and desist from failing to pay, within the time required by the Act, the full purchase price of livestock."

### III

During the period from October 3, 2011, through December 12, 2011, in ten transactions involving their purchase of a total of 214 head of livestock from Harward Brothers Livestock Market in Oakboro, North Carolina, for a total purchase price of \$217,360.00, the respondents failed to pay, when due, the full amount of the livestock purchase price within the time period required by the Act.

### IV

By reason of the facts alleged in paragraphs II and III, the respondents willfully violated sections 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).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and regulations issued thereunder, this complaint shall be served upon the respondents. The respondents 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.

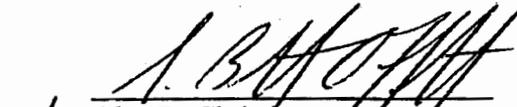
The Grain Inspection, Packers and Stockyards Administration requests:

1. That unless the 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 an order be issued requiring the respondents to cease and desist from the violations of the Act and the regulations found to exist, suspending respondent corporation as a registrant for a specified period, prohibiting respondent Weikert from being registered for a specified period, and assessing such civil penalties against the respondents as are authorized by the Act and warranted by the facts and circumstances of this case.

Done at Washington, D.C.

this 26<sup>th</sup> day of July, 2012

  
Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Program

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