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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) P & S Docket No.  
 )  
Well Bred Farms, Inc. )  
 )  
Respondent ) COMPLAINT

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

I.

(a) Well Bred Farms, Inc., hereinafter referred to as respondent, is a business incorporated in the Commonwealth of Pennsylvania and located at 1215 Arbogast Church Road, Mt. Pleasant, Pennsylvania 17853.

(b) Respondent at all times material herein was engaged in business as a live poultry dealer in the Commonwealth of Pennsylvania.

II.

(a) On or about February 2-7, 2010, respondent purchased four thousand, eight hundred and thirty (4, 830) live poultry from Leroy Fisher, located in Mt. Pleasant Mills, Pennsylvania, for a total price of three thousand, three hundred and eighty-one dollars (\$3, 381.00) and failed to pay when due the full purchase price of such poultry, in violation of 7 U.S.C. § 228b-1(a). (See Exhibit A).

(b) On or about February 14, 2010 through March 11, 2010, respondent purchased twenty-one thousand (21,000) live poultry from Robert Kerstetter, located in Mt. Pleasant Mills, Pennsylvania, for a total of fourteen-thousand, seven hundred dollars (\$14,700.00), and failed to

pay when due the full purchase price of such poultry, in violation of 7 U.S.C. § 228b-1(a). (See Exhibit A).

(c) On or about March 11-21, 2010, respondent purchased seven thousand, five hundred and sixty (7,560) live poultry from Robert Kersetter, located in Mt. Pleasant Mills, Pennsylvania, for a total price of five thousand, two hundred and ninety two dollars (\$ 5, 292.00) and failed to pay when due the full purchase price of such poultry, in violation of 7 U.S.C. § 228b-1(a). (See Exhibit A).

(d) On or about Marcy 21, 2010 to April 11, 2010, respondent purchased nineteen thousand, ninety-six (19, 096) live poultry from Rodney and Tina Witt, located in Middleburg, Pennsylvania, for a total price of eight thousand, three hundred and sixty-seven dollars and twenty cents (\$8, 367.20), and failed to pay when due the full purchase price of such poultry, in violation of 7 U.S.C. § 228b-1(a). (See Exhibit A).

(e) On or about April 11-18, 2010, respondent purchased five thousand, four hundred and eighteen (5, 418) live poultry from Curt Stroup, located in Richfield, Pennsylvania, for a total price of three thousand, eight hundred and thirty-one dollars (\$3, 831.00) and failed to pay when due the full purchase price of such poultry, in violation of 7 U.S.C. § 228b-1(a). (See Exhibit A).

(f) On or about April 20-May 9, 2010, respondent purchased twenty-one thousand, three hundred and thirty-two (21, 332) live poultry from Curt Stroup, located in Richfield, Pennsylvania, for a total price of fourteen thousand, nine hundred and thirty-two dollars and forty cents (\$14, 932.40), and failed to pay when due the full purchase price of such poultry, in violation of 7 U.S.C. § 228b-1(a). (See Exhibit A).

III.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has willfully violated the Act and the regulations issued hereunder, this complaint shall be served upon the respondent. The respondent shall have twenty (20) days in which to file with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, an answer 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 shall constitute an admission of all the material allegations of this complaint.

The 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 governing proceedings under the Act; 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 and assessing such civil penalty as authorized by the Act.

Done at Washington, D.C.  
this 6 day of December, 2012



Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Administration

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**US Department of Agriculture**  
**Packers and Stockyards Program (P&SP)**  
**Schedule of Failure to Pay Poultry Growers When Due**  
**and Check Returned Unpaid**

Entity Information

|                     |                       |  |             |     |
|---------------------|-----------------------|--|-------------|-----|
| On-Site Review Date | Entity Name           |  | Entity Name | DBA |
| 6/26/2010           | Well Bred Farms, Inc. |  |             |     |

| Basic Info           |                      |                            | Calculations |               |                    |                    |                    | Payment            |            |          |            |           |                |   |     |     |
|----------------------|----------------------|----------------------------|--------------|---------------|--------------------|--------------------|--------------------|--------------------|------------|----------|------------|-----------|----------------|---|-----|-----|
| Farm Name            | Date Placed          | Number Placed              | Date "Sold"  | Number "Sold" | Pay Rate           | Final Pay          | Check Amount       | Check Number       | Check Date | Due Date | Balance    | Days Late | Exhibit Number | Remarks   |     |     |
| Leroy Fisher         | 11/09/09             | 5,550                      | 02/02/10     | 1,288         | 0.70               | \$901.60           | \$2,500.00         | 4771               | 03/12/10   | 02/22/10 | (1,598.40) | 18        |                |   |     |     |
|                      |                      |                            | 02/04/10     | 2,016         | 0.70               | \$1,411.20         |                    | 4771               | 03/12/10   | 02/22/10 | (187.20)   | 18        |                |   |     |     |
|                      |                      |                            | 02/07/10     | 1,526         | 0.70               | \$1,068.20         | \$881.00           | 4828               | 05/27/10   | 03/01/10 | (0.00)     | 87        |                |   |     |     |
|                      |                      |                            |              | <b>4,830</b>  |                    | <b>\$3,381.00</b>  | <b>\$3,381.00</b>  |                    |            |          |            |           |                |   | A-1 |     |
| Robert Kerstetter    | 11/20/09<br>12/03/09 | 11,280<br>11,300<br>22,580 | 02/14/10     | 2,016         | 0.70               | \$1,411.20         | \$6,000.00         | 4786               | 04/10/10   | 03/08/10 | (4,588.80) | 39        |                | Check 4786 was returned NSF on 4/13 and paid on 4/16. This increased days late by 6 days.                         |     |     |
|                      |                      |                            | 02/16/10     | 952           | 0.70               | \$666.40           |                    | 4786               | 04/10/10   | 03/08/10 | (3,922.40) | 39        |                |   |     |     |
|                      |                      |                            | 02/18/10     | 2,016         | 0.70               | \$1,411.20         |                    | 4786               | 04/10/10   | 03/08/10 | (2,511.20) | 39        |                |   |     |     |
|                      |                      |                            | 02/21/10     | 2,520         | 0.70               | \$1,764.00         |                    | 4786               | 04/10/10   | 03/15/10 | (747.20)   | 32        |                |   |     |     |
|                      |                      |                            | 02/23/10     | 2,520         | 0.70               | \$1,764.00         | \$5,000.00         | 4809               | 05/01/10   | 03/15/10 | (3,983.20) | 47        |                |   |     |     |
|                      |                      |                            | 02/28/10     | 2,520         | 0.70               | \$1,764.00         |                    | 4809               | 05/01/10   | 03/22/10 | (2,219.20) | 40        |                |   |     |     |
|                      |                      |                            | 03/02/10     | 2,016         | 0.70               | \$1,411.20         |                    | 4809               | 05/01/10   | 03/22/10 | (808.00)   | 40        |                |   |     |     |
|                      |                      |                            | 03/04/10     | 2,520         | 0.70               | \$1,764.00         | \$3,700.00         | 4827               | 05/26/10   | 03/22/10 | (2,744.00) | 65        |                |   |     |     |
|                      |                      |                            | 03/07/10     | 2,520         | 0.70               | \$1,764.00         |                    | 4827               | 05/26/10   | 03/29/10 | (980.00)   | 58        |                |   |     |     |
|                      |                      |                            | 03/09/10     | 1,008         | 0.70               | \$705.60           |                    | 4827               | 05/26/10   | 03/29/10 | (274.40)   | 58        |                |   |     |     |
|                      |                      |                            | 03/11/10     | 392           | 0.70               | \$274.40           |                    | 4827               | 05/26/10   | 03/29/10 | (0.00)     | 58        |                |   |     |     |
|                      |                      | <b>21,000</b>              |              |               | <b>\$14,700.00</b> | <b>\$14,700.00</b> |                    |                    |            |          |            |           | A-2            |   |     |     |
| Robert Kerstetter    | 12/10/09             | 8,140                      | 03/11/10     | 2,114         | 0.70               | \$1,479.80         | \$1,300.00         | 4827               | 05/26/10   | 03/29/10 | 179.80     | 58        |                | Check 4827 in the amount of \$5,000 paid \$1,300 for this flock and the \$3,700 paid for the previous transaction |     |     |
|                      |                      |                            | 03/14/10     | 2,520         | 0.70               | \$1,764.00         | \$3,992.00         | 4857               | 06/13/10   | 04/05/10 | (2,048.20) | 69        |                |   |     |     |
|                      |                      |                            | 03/18/10     | 2,520         | 0.70               | \$1,764.00         |                    | 4857               | 06/13/10   | 04/05/10 | (284.20)   | 69        |                |   |     |     |
|                      |                      |                            | 03/21/10     | 406           | 0.70               | \$284.20           |                    | 4857               | 06/13/10   | 04/12/10 | 0.00       | 62        |                |   |     |     |
|                      |                      |                            |              | <b>7,560</b>  |                    | <b>\$5,292.00</b>  | <b>\$6,292.00</b>  |                    |            |          |            |           |                |   |     | A-3 |
| Rodney and Tina Witt | 12/17/09<br>12/30/09 | 11,230<br>10,860<br>22,090 | 03/21/10     | 2,114         | 0.70               | \$1,479.80         | \$5,000.00         | 4782               | 04/02/10   | 04/12/10 | (3,520.20) | -10       |                |   |     |     |
|                      |                      |                            | 03/23/10     | 322           | 0.70               | \$225.40           |                    | 4782               | 04/02/10   | 04/12/10 | (3,294.80) | -10       |                |   |     |     |
|                      |                      |                            | 03/25/10     | 2,520         | 0.70               | \$1,764.00         |                    | 4782               | 04/02/10   | 04/12/10 | (1,530.80) | -10       |                |   |     |     |
|                      |                      |                            | 03/28/10     | 2,520         | 0.70               | \$1,764.00         |                    | 4782               | 04/02/10   | 04/19/10 | 233.20     | -17       |                |   |     |     |
|                      |                      |                            | 03/30/10     | 2,016         | 0.70               | \$1,411.20         | \$5,000.00         | 4807               | 05/01/10   | 04/19/10 | (3,355.60) | 12        |                |   |     |     |
|                      |                      |                            | 04/01/10     | 2,520         | 0.70               | \$1,764.00         |                    | 4807               | 05/01/10   | 04/19/10 | (1,591.80) | 12        |                |   |     |     |
|                      |                      |                            | 04/04/10     | 2,520         | 0.70               | \$1,764.00         |                    | 4807               | 05/01/10   | 04/26/10 | 172.40     | 5         |                |   |     |     |
|                      |                      |                            | 04/06/10     | 2,520         | 0.70               | \$1,764.00         | \$3,367.20         | 4852               | 05/31/10   | 04/26/10 | (1,430.80) | 35        |                |   |     |     |
|                      |                      |                            | 04/11/10     | 2,044         | 0.70               | \$1,430.80         |                    | 4852               | 05/31/10   | 05/03/10 | 0.00       | 28        |                |   |     |     |
|                      |                      |                            |              | <b>18,096</b> |                    | <b>\$13,367.20</b> | <b>\$13,367.20</b> |                    |            |          |            |           |                |   |     | A-4 |
| Curt Stroup          | 01/07/10             | 5,925                      | 04/11/10     | 476           | 0.70               | \$333.20           | \$3,831.10         | 4858               | 06/24/10   | 05/03/10 | (3,497.90) | 52        |                | Overpayment of \$38.50 to make up for accidental lose of 55 birds.  |     |     |
|                      |                      |                            | 04/15/10     | 2,520         | 0.70               | \$1,764.00         |                    | 4858               | 06/24/10   | 05/03/10 | (1,733.90) | 52        |                |   |     |     |
|                      |                      |                            | 04/19/10     | 2,422         | 0.70               | \$1,695.40         |                    | 4858               | 06/24/10   | 05/10/10 | (38.50)    | 45        |                |   |     |     |
|                      |                      |                            |              | <b>5,418</b>  |                    | <b>\$3,792.60</b>  | <b>\$3,831.10</b>  |                    |            |          |            |           |                |   | A-5 |     |
| Curt Stroup          | 01/14/10<br>01/28/10 | 11,700<br>11,350<br>23,050 | 04/20/10     | 1,736         | 0.70               | \$1,215.20         | \$2,000.00         | 4859               | 06/24/10   | 05/10/10 | (784.80)   | 45        |                |   |     |     |
|                      |                      |                            | 04/22/10     | 2,520         | 0.70               | \$1,764.00         | \$5,000.00         | 4862               | 07/08/10   | 05/10/10 | (4,020.80) | 57        |                |   |     |     |
|                      |                      |                            | 04/25/10     | 2,520         | 0.70               | \$1,764.00         |                    | 4862               | 07/08/10   | 05/17/10 | (2,256.80) | 50        |                |   |     |     |
|                      |                      |                            | 04/27/10     | 2,670         | 0.70               | \$1,869.00         |                    | 4862               | 07/08/10   | 05/17/10 | (387.80)   | 50        |                |   |     |     |
|                      |                      |                            | 04/29/10     | 2,520         | 0.70               | \$1,764.00         | \$8,000.00         | 4879               | 08/03/10   | 05/17/10 | (4,623.80) | 78        |                |   |     |     |
|                      |                      |                            | 05/02/10     | 2,520         | 0.70               | \$1,764.00         |                    | 4879               | 08/03/10   | 05/24/10 | (2,859.80) | 71        |                |   |     |     |
|                      |                      |                            | 05/04/10     | 2,520         | 0.70               | \$1,764.00         |                    | 4879               | 08/03/10   | 05/24/10 | (1,095.80) | 71        |                |   |     |     |
|                      |                      |                            | 05/06/10     | 2,520         | 0.70               | \$1,764.00         | \$1,932.40         | 4908               | 09/16/10   | 05/24/10 | (1,264.20) | 115       |                |   |     |     |
|                      |                      |                            | 05/09/10     | 1,806         | 0.70               | \$1,264.20         |                    | 4908               | 09/16/10   | 05/31/10 | (0.00)     | 108       |                |   |     |     |
|                      |                      |                            |              | <b>21,332</b> |                    | <b>\$14,932.40</b> | <b>\$14,932.40</b> |                    |            |          |            |           |                |   |     | A-6 |
|                      |                      |                            |              |               | <b>79,236</b>      |                    |                    | <b>\$55,465.20</b> |            |          |            |           |                |   |     |     |