

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. - D-10-0007
Deward B. Wolfe and)
Jonathan Wolfe d.b.a.)
Wolfe Livestock,)
)
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.; hereinafter "Act"), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.; hereinafter "Regulations"), and, therefore, this complaint is issued alleging the following:

I.

(a) Deward B. Wolfe and Jonathan Wolfe, d.b.a. Wolfe Livestock (hereinafter "Respondent"), is a partnership whose mailing address is 163 Meadowview Lane, Bean Station, Tennessee 37708.

(b) At all times material herein, Respondent was:

- (1) Engaged in the business of buying and selling livestock in commerce as a dealer for its own account; and
- (2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for its own account.

II.

Respondent, in connection with its operations subject to the Act, on or about the dates and in the transactions set forth in Appendix A and incorporated herein by reference, failed to

pay the full amount of the purchase price for livestock within the time period required by the Act.

III.

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

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether Respondent has willfully violated the Act and the Regulations. 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, S.W., Washington, D.C. 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.; hereinafter “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 (GIPSA), 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 and the Regulations found to exist and suspending Respondent as a registrant under the Act, and assessing such civil penalty, as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 8 day of October, 2009



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program



Delisle Warden
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
Room 2309, Stop 1413
1400 Independence Avenue, S.W.
Washington, D.C. 20250-1413
(202) 720-1636

APPENDIX A

Seller	Purchase Date	Date Payment Due Per 409(a)	Number of Head	Livestock Amount	Payment Date	Days Late
Knoxville Livestock Auction Center	6/18/2008	6/19/2008	4	\$1,964.73	6/25/2008	6
Knoxville Livestock Auction Center	6/26/2008	6/27/2008	16	\$7,075.73	7/2/2008	5
Knoxville Livestock Auction Center	7/2/2008	7/3/2008	3	\$1,177.40	7/9/2008	6
Knoxville Livestock Auction Center	7/23/2008	7/24/2008	11	\$5,699.18	7/30/2008	6
Knoxville Livestock Auction Center	8/27/2008	8/28/2008	2	\$1,295.00	9/9/2008	12
Kingsport Livestock Auction	10/11/2008	10/14/2008	2	\$804.05	10/18/2008	4
Kingsport Livestock Auction	12/13/2008	12/15/2008	5	\$2,368.95	12/19/2008	5
Knoxville Livestock Auction Center	12/17/2008	12/18/2008	22	\$11,405.00	12/27/2008	9
Kingsport Livestock Auction	1/3/2009	1/5/2009	18	\$9,033.88	1/10/2009	5
Knoxville Livestock Auction Center	1/7/2009	1/8/2009	5	\$3,129.40	1/14/2009	6
Kingsport Livestock Auction	1/10/2009	1/12/2009	6	\$3,473.20	1/17/2009	5
Kingsport Livestock Auction	1/17/2009	1/20/2009	2	\$1,174.50	1/31/2009	11

Seller	Purchase Date	Date Payment Due Per 409(a)	Number of Head	Livestock Amount	Payment Date	Days Late
Kingsport Livestock Auction	1/31/2009	2/2/2009	11	\$6,335.58	2/7/2009	5
Kingsport Livestock Auction	2/7/2009	2/9/2009	4	\$1,981.20	2/14/2009	5
Kingsport Livestock Auction	2/14/2009	2/17/2009	6	\$3,088.63	2/21/2009	4