

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P & S Docket No. D-12-	0184
)		
Gary N. Shifflett, Jr.)		
d.b.a.)		
Nelson Shifflett Livestock,)		
)		
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.*), herein referred to as the Act, and, therefore, this Complaint is issued alleging the following:

I.

(a) Gary N. Shifflett, Jr. d.b.a. Nelson Shifflett Livestock, herein referred to as Respondent, is an individual. Respondent's business mailing address is his home address. In order to protect the personal privacy of the Respondent, Complainant is not providing Mr. Shifflett's address in this Complaint, but Complainant has provided the address to the Hearing Clerk so that service can be effected.

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

- (1) Engaged in business as a dealer, buying and selling livestock in commerce for his 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

On or about the dates and in the transactions set forth set forth in Appendix A, Respondent both failed to pay the full purchase price of such livestock and failed to pay, when due, for such livestock purchases.

III

On or about the dates and in the transactions set forth in Appendix B, Respondent issued a check in partial payment for livestock purchases which was returned by the bank upon which it was drawn; this check was returned because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which the check was drawn to pay such check when presented.

IV

As of the date of the filing of this Complaint, Respondent continues to owe South Branch Valley Livestock in the amount of \$12,834.28 for livestock purchases.

V

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

WHEREFORE, it is hereby ordered that this Complaint shall be served upon Respondent for the purpose of determining whether the Respondent has 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, United States Department of Agriculture, Washington, D.C. 20250, 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 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 accord 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 violating the Act with respect to the matters alleged herein, and assessing such penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.
this 19 day of January, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

Brian Sylvester
Attorney for Complainant
U.S. Department of Agriculture
Office of the General Counsel
Regulatory Division
1400 Independence Avenue, S.W.
Room 2313-S
Washington, D.C. 20250-1413