

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:

Nathan Lewis,

Respondent

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P&S Docket No. 12-0534

Complaint and Notice of Hearing

There is reason to believe that the respondent named herein has willfully violated the Packers & 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.*) and, therefore, this complaint is issued alleging the following:

I.

a. Nathan Lewis, (hereinafter "Respondent"), is an individual whose mailing address is P.O. Box 351, Denair, CA 95316.

b. Respondent purchased livestock for slaughter under various business names, including, Nathan Lewis, Lewis Livestock, Nathan Lewis Livestock, Nate Lewis Livestock and Meat, Calvada Livestock, and other names.

c. Respondent at all times material herein:

- (1) Engaged in the business of buying livestock in commerce for slaughter;
- (2) Engaged in the business of manufacturing or preparing meat and meat food products for sale or shipment in commerce;

(3) Operated as a packer within the meaning of and subject to the provisions of the Act.

II.

a) Respondent, on or about the dates and in the transactions set forth below, purchased livestock and failed to pay, when due, the full purchase price of such livestock:

<u>Purchase Date</u>	<u>Purchased From</u>	<u>Purchase Amount</u>	<u>Due Date</u>	<u>Amount and Date Paid</u>
04/26/2010	NFO Members Livestock, Inc.	\$8,141.50	04/27/2010	\$2,521.56 – paid in three checks on 09/17/10, 10/18/10 and 02/2/11
04/27/2010	NFO Members Livestock, Inc.	\$3,466.02	04/28/2010	
04/28/2010	NFO Members Livestock, Inc.	\$4,522.90	04/29/2010	
04/28/2010	NFO Members Livestock, Inc.	\$20,506.27	04/29/2010	
05/07/2010	NFO Members Livestock, Inc.	\$1,066.26	05/07/2010	

b) As of April 4, 2012, there remained unpaid a total of \$35,181.39 for such livestock purchases.

III.

By reason of the facts alleged in paragraph II of this Complaint, Respondent has willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a) and 228b).

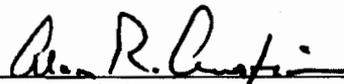
IV.

Wherefore, it is hereby ordered that for the purpose of determining whether Respondent has, in fact, willfully violated the Act, this Complaint and Notice of Hearing shall be served upon Respondent. Respondent shall have twenty (20) days after receipt of this Complaint and Notice of Hearing in which to file with the Hearing Clerk, United States Department of Agriculture, Washington, DC 20250, an answer with an original and three copies, fully and completely

stating the nature of the defense and admitting or denying, specifically and in detail, each material allegation of this Complaint and Notice of Hearing. Allegations not answered will 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 and Notice of Hearing unless the parties have agreed to a consent decision pursuant to section 1.138 of the Rules of Practice (7 C.F.R. § 1.138). Respondents are notified that unless a hearing is waived, whether expressly or by failure to answer and request a hearing as provided by sections 1.136 and 1.141 of the Rules of Practice (7 C.F.R. §§ 1.1.36, 1.141), a hearing for the above-mentioned purpose will be held at a place and time to be later designated before an administrative law judge authorized to conduct a hearing. At the hearing, Respondents will have the right to appear and show cause why an appropriate order should not be issued, in accordance with the provisions of the Act, requiring Respondent to cease and desist from violating the Act with respect to the matters alleged herein, and assessing an appropriate civil penalty.

Done at Washington, D.C.

this 18 day of July, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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Appendix A

Purchase Date	Purchased From	Purchase Amount	Due Date	Date Paid
04/26/2010	NFO Members Livestock, Inc.	\$8,141.50	04/27/2010	\$2,521.56
04/27/2010	NFO Members Livestock, Inc.	\$3,466.02	04/28/2010	
04/28/2010	NFO Members Livestock, Inc.	\$4,522.90	04/29/2010	
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