

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:

Wayne F. Craig & Sons, Inc.

Respondent

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P&S Docket No. D-13-0225

Complaint

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.*) 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) Wayne F. Craig & Sons, Inc., referred to herein as the respondent, is a corporation with an address of 2833 Orrstown Road, Shippensburg, Pennsylvania 17257.
- (b) The respondent at all times material herein was:
 - (1) Engaged in the business of a market agency buying and selling livestock on a commission basis in commerce;
 - (2) Engaged in the business of a dealer buying and selling livestock in commerce;and
 - (3) Registered with the Secretary of Agriculture as a market agency to buy and sell livestock on a commission basis in commerce, and registered as a dealer to buy and sell livestock in commerce.

II.

During the period from October 4, 2011, through November 11, 2011, in 19 transactions involving the purchase of a total of 1,535 head of livestock from two different livestock auction markets, for an approximate purchase price of \$538,662.81, the respondent failed to pay, when due, the full amount of the livestock purchase prices within the time period required by the Act, in violation of sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b). For each of these transactions, respondent remitted payment between one and three days late. A schedule of such transactions is set forth in Appendix A to this complaint.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and regulations issued thereunder, this complaint shall be served upon the respondent. The respondent 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, Packers and Stockyards Program, requests:

1. That unless the 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 an order be issued requiring the respondent to cease and desist from the violations of the Act and the regulations found to exist, and assessing such civil penalties against the respondent as are authorized by the Act and warranted by the facts and circumstances of this case.

Done at Washington, D.C.

this 24th day of April, 2013

Susan B. Keith
Susan B. Keith
Deputy Administrator
Packers and Stockyards Program

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Appendix A

Purchased From	Purchase Date	No. of Head of Cattle Purchased	Livestock Amount	Payment Due Date per §409	Payment date
Mt. Olive Livestock Market, Inc.	10/4/2011	60	\$2,115.71	10/5/2011	10/7/2011
Mt. Olive Livestock Market, Inc.	10/5/2011	67	\$2,551.30	10/6/2012	10/7/2012
Mt. Olive Livestock Market, Inc.	10/5/2011	16	\$1,416.00	10/6/2011	10/7/2011
Mt. Olive Livestock Market, Inc.	10/12/2011	25	\$4,544.45	10/13/2011	10/14/2011
Mt. Olive Livestock Market, Inc.	10/17/2011	40	\$1,492.45	10/18/2011	10/21/2011
Mt. Olive Livestock Market, Inc.	10/18/2011	3	\$291.87	10/19/2011	10/21/2011
Mt. Olive Livestock Market, Inc.	10/18/2011	30	\$640.28	10/19/2011	10/21/2011
Mt. Olive Livestock Market, Inc.	10/19/2011	86	\$2,975.55	10/20/2011	10/21/2011
Mt. Olive Livestock Market, Inc.	10/25/2011	20	\$974.22	10/26/2011	10/28/2011
Mt. Olive Livestock	10/25/2011	36	\$1,251.61	10/26/2011	10/28/2011

Market, Inc.					
Mt. Olive Livestock Market, Inc.	11/2/2011	73	\$2,229.00	11/3/2011	11/4/2011
Mt. Olive Livestock Market, Inc.	11/8/2011	38	\$1,334.02	11/9/2011	11/12/2011
Mt. Olive Livestock Market, Inc.	11/8/2011	13	\$2,621.25	11/9/2011	11/12/2011
Carolina Stockyards Company, Inc.	10/7/2011	170	\$80,503.50	10/10/2011	10/11/2011
Carolina Stockyards Company, Inc.	10/14/2011	120	\$57,157.50	10/17/2011	10/18/2012
Carolina Stockyards Company, Inc.	10/21/2011	164	\$77,977.80	10/24/2011	10/25/2011
Carolina Stockyards Company, Inc.	10/28/2011	158	\$77,493.35	10/31/2011	11/1/2011
Carolina Stockyards Company, Inc.	11/4/2011	207	\$114,049.85	11/7/2011	11/8/2011
Carolina Stockyards Company, Inc.	11/11/2011	209	\$107,043.10	11/14/2011	11/15/2011