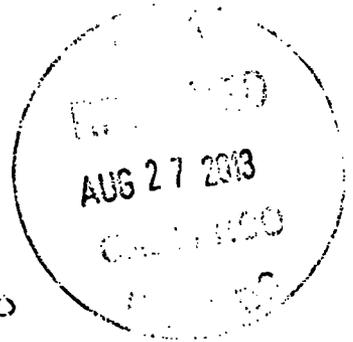


UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) P & S Docket No. 13-0330  
)  
Gary H. Luck, d/b/a Luck's Livestock, )  
)  
Respondent ) COMPLAINT

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

I.

(a) Gary H. Luck, d/b/a Luck's Livestock, hereinafter referred to as the respondent, is an individual doing business in the state of North Carolina. Respondent's business mailing address is his home address. In order to protect the personal privacy of the respondent, complainant is not providing Mr. Luck'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 the business of a dealer buying and selling livestock in commerce for his own account and for the accounts of others;
2. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

II.

(a) Respondent was notified by certified mail, received March 7, 2012, that it was necessary to obtain a new \$15,000 surety bond to secure the performance of his livestock operations under the Act before engaging in business after March 30, 2012.

(b) Further, respondent was notified that, if he continued his livestock operations under the Act after that date without providing adequate bond coverage or its equivalent, he would be in violation of section 312(a) of the Act (7 U.S.C. § 213(a)), and sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29, 201.30.).

(c) Notwithstanding such notice, respondent engaged in business as a dealer without maintaining an adequate bond or its equivalent as required by the Act and the regulations. Records show that Respondent engaged in sales transactions as a dealer with Carolina Stockyards on April 2, 6, 13, 16, 20, 27 and 30, 2012 and May 14, 15 and 18, 2012 and engaged in sales transactions as a dealer with New Holland Sales Stable on April 23, May 21 and May 28, 2012. (See Exhibit A).

### III.

By reasons of the facts alleged in paragraph II herein, respondent Gary H. Luck, d/b/a Luck's Livestock, wilfully violated section 312(a) of the Act (7 U.S.C. § 213(a)) and 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29, 201.30.).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has, in fact, wilfully violated the Act, this complaint shall be served upon the respondent. Respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 *et seq.*). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

Packers and Stockyards Programs, GIPSA, request:

1. That unless the respondent fails to file an answer within the time frame allowed therefor, 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 the respondent to cease and desist from the violations found to exist, suspending the respondent as a registrant under the Act and assessing such civil penalties, as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

This 27<sup>th</sup> day of August, 2013

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

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In re: Gary H. Luck, d/b/a Luck's Livestock

SCHEDULE OF PURCHASES AND SALES/COMMISSIONS

PURCHASE DATE	No Head Purchased	Livestock Amount	Seller/Purchased From	Purchased For
4/2/2012	1	\$225.00	Carolina Stockyards	Gary Luck
4/6/2012	30	\$14,474.75	Carolina Stockyards	Gary Luck
4/13/2012	39	\$19,777.60	Carolina Stockyards	Gary Luck
4/16/2012	6	\$1,415.95	Carolina Stockyards	Gary Luck
4/20/2012	41	\$18,785.57	Carolina Stockyards	Gary Luck
4/27/2012	22	\$7,652.25	Carolina Stockyards	Gary Luck
4/30/2012	10	\$4,418.90	Carolina Stockyards	Gary Luck
5/14/2012	3	\$1,009.20	Carolina Stockyards	Gary Luck
5/15/2012	3	\$840.00	Carolina Stockyards	Gary Luck
5/18/2012	26	\$10,411.10	Carolina Stockyards	Gary Luck

SELLER/INVOICE DATE	No. Head Sold	Livestock Amount	Sold To
4/23/2012	1	\$1,070.40	New Holland Sales Stable
5/21/2012	1	\$1,851.15	New Holland Sales Stable
5/28/2012	1	\$1,275.00	New Holland Sales Stable