

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. D-13-0305
)
)
Gary N. "Nelson" Shifflett, Jr.,)
d/b/a Nelson Shifflett Livestock,)
)
)
Respondent)
) Amended Complaint¹

There is reason to believe that Gary N. "Nelson" Shifflett, Jr. d/b/a Nelson Shifflett Livestock (Respondent) has willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.; the Act), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.; the Regulations). Therefore, this complaint is issued alleging the following:

I.

(a) Respondent is an individual whose business mailing address is 2973 Eastside Highway, Grottoes, VA 24441.

(b) At all times material herein, Respondent engaged in the business of a market agency buying livestock on commission in commerce under the Act.

(c) At all times material herein, Respondent operated as a market agency within the meaning of and subject to the Act.

¹ This Complaint is amended for the sole purpose of including and appending Attachment 1 to the Amended Complaint, as referenced in paragraph III of this document, *infra*.

II.

(a) On March 30, 2009, Respondent received a letter from the Grain Inspection, Packers and Stockyards Administration (GIPSA) notifying Respondent that his bond would terminate as of April 16, 2009.

(b) On February 23, 2011, Respondent received a letter from the United States Attorney's Office, Western District of Virginia, stating, *inter alia*, that Respondent's registration and bond had terminated in 2009.²

III.

Respondent, between August 2010 and August 2012, operated as a market agency purchasing livestock on commission subject to the Act. (See Attachment 1). Respondent engaged in the business of a market agency purchasing livestock in commerce without obtaining the necessary registration and bond as required by the Act and the Regulations.

IV.

By reason of the facts alleged in paragraphs II and III, Respondent has engaged in operations subject to the Act without being bonded pursuant to the Act and has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)), and section 201.29 of the regulations (9 C.F.R. § 201.29).

WHEREFORE, this complaint shall be served upon Respondent for the purpose of determining whether Respondent has willfully violated the Act and Regulations. 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

² This does not purport to be an exhaustive list of the letters of notice sent to and received by Respondent.

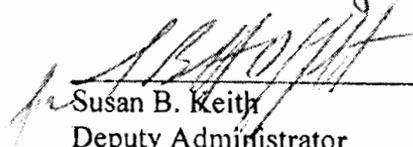
with the Rules of Practice Governing Proceedings Under the Act (7 C.F.R. § 1.130 et seq.; Rules of Practice). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer will constitute an admission of all the material allegations of this complaint.

The Packers and Stockyards Program, 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 found to exist, requiring that Respondent not engage in operations subject to the Act unless or until adequately bonded as required by 7 U.S.C. § 204 of the Act and 9 C.F.R. § 201.29 of the regulations, and assessing such civil penalty as authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 6th day of August, 2013



Susan B. Keith
Deputy Administrator
Packers and Stockyards Program

Christopher Young
Attorney for Complainant, USDA, Office of the General Counsel
Room 2309, South Building, 1400 Independence Avenue, S.W.
Washington, D.C. 20250-1413
Telephone: (301) 865-9318

Attachment -1

Gary N. "Nelson" Shifflett, Jr., DBA Nelson Shifflett Livestock
2973 Eastside Highway Grottoes, VA 24441

Schedule A - Livestock Purchased on Commission

Exhibit	Purchase Date	No. Head Purchased	Livestock Amount	Seller / Purchased From	Purchased For	Commission Amount
A-1	8/7/2010	63	\$27,920.33	Shenandoah Valley Livestock Sales, Inc.	Wayne F. Craig & Sons, Inc.	\$189.00
A-2	8/7/2010	152	\$80,167.54	Shenandoah Valley Livestock Sales, Inc.	Perry Huffman	\$456.00
A-3	8/7/2010	7	\$4,989.75	Shenandoah Valley Livestock Sales, Inc.	Randolph Packing Co., Inc.	\$29.54
A-4	8/14/2010	49	\$19,841.30	Shenandoah Valley Livestock Sales, Inc.	Wayne F. Craig & Sons, Inc.	\$147.00
A-5	8/14/2010	114	\$64,736.40	Shenandoah Valley Livestock Sales, Inc.	Perry Huffman	\$342.00
A-6	8/14/2010	8	\$5,410.77	Shenandoah Valley Livestock Sales, Inc.	Randolph Packing Co., Inc.	\$34.37
A-7	8/21/2010	31	\$14,108.68	Shenandoah Valley Livestock Sales, Inc.	Wayne F. Craig & Sons, Inc.	\$93.00
A-8	8/21/2010	77	\$43,415.23	Shenandoah Valley Livestock Sales, Inc.	Perry Huffman	\$231.00
A-9	8/21/2010	4	\$4,148.39	Shenandoah Valley Livestock Sales, Inc.	Randolph Packing Co., Inc.	\$21.96
A-10	8/28/2010	21	\$10,272.68	Shenandoah Valley Livestock Sales, Inc.	Wayne F. Craig & Sons, Inc.	\$63.00
A-11	8/28/2010	70	\$44,574.64	Shenandoah Valley Livestock Sales, Inc.	Perry Huffman	\$210.00
A-12	8/28/2010	4	\$4,134.93	Shenandoah Valley Livestock Sales, Inc.	Randolph Packing Co., Inc.	\$22.41
A-13	8/6/2011	25	\$13,539.28	Shenandoah Valley Livestock Sales, Inc.	Wayne F. Craig & Sons, Inc.	\$75.00
A-14	8/6/2011	43	\$28,688.02	Shenandoah Valley Livestock Sales, Inc.	Perry Huffman	\$129.00
A-15	8/13/2011	40	\$18,110.75	Shenandoah Valley Livestock Sales, Inc.	Wayne F. Craig & Sons, Inc.	\$120.00
A-16	8/13/2011	60	\$40,771.02	Shenandoah Valley Livestock Sales, Inc.	Perry Huffman	\$180.00
A-17	8/20/2011	40	\$26,393.02	Shenandoah Valley Livestock Sales, Inc.	Perry Huffman	\$120.00
A-18	8/20/2011	8	\$4,385.40	Shenandoah Valley Livestock Sales, Inc.	Randolph Packing Co., Inc.	\$29.67
A-19	8/28/2011	56	\$28,044.43	Shenandoah Valley Livestock Sales, Inc.	Wayne F. Craig & Sons, Inc.	\$168.00
A-20	8/28/2011	32	\$19,715.07	Shenandoah Valley Livestock Sales, Inc.	Perry Huffman	\$96.00
A-21	8/4/2012	8	\$3,869.50	Shenandoah Valley Livestock Sales, Inc.	Wayne F. Craig & Sons, Inc.	\$24.00
A-22	8/4/2012	41	\$24,074.04	Shenandoah Valley Livestock Sales, Inc.	Perry Huffman	\$123.00
A-23	8/4/2012	3	\$2,638.50	Shenandoah Valley Livestock Sales, Inc.	Randolph Packing Co., Inc.	\$12.44
A-24	8/11/2012	10	\$4,843.42	Shenandoah Valley Livestock Sales, Inc.	Wayne F. Craig & Sons, Inc.	\$30.00
A-25	8/18/2012	33	\$18,104.55	Shenandoah Valley Livestock Sales, Inc.	Wayne F. Craig & Sons, Inc.	\$99.00
A-26	8/18/2012	10	\$8,750.30	Shenandoah Valley Livestock Sales, Inc.	Randolph Packing Co., Inc.	\$39.43
A-27	8/25/2012	43	\$24,272.00	Shenandoah Valley Livestock Sales, Inc.	Wayne F. Craig & Sons, Inc.	\$129.00
A-28	8/25/2012	43	\$31,173.23	Shenandoah Valley Livestock Sales, Inc.	Perry Huffman	\$129.00