

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Brian D. Jones ) P & S Docket No. D-17-0012  
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)  
Respondent ) Complaint

There is reason to believe that Respondent named herein has willfully violated the Packers and 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) Respondent Brian D. Jones (Respondent) is an individual with a mailing address in the State of Indiana. The address will not be stated in the complaint to protect the privacy of Respondent, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purpose of service of this complaint.

(b) At all times material herein, Respondent was engaged in the business of a dealer buying and selling livestock in commerce.

II.

On or about the dates and in the transactions listed below, Respondent issued checks in payment for livestock purchases which were returned unpaid by the bank upon which they were drawn. These checks were returned because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which the checks were drawn to pay such checks when presented.

Seller	No. of Head	Purchase Amount	Purchase Date	Check No.	Date of Return
Gerald Adams	31	\$4,510.00	9/12/14	1062	9/18/14
Mt. Hope Auction (Chester Mullet)	61	\$9,415.75	11/5/14	105	11/17/14
Mt. Hope Auction (Chester Mullet)	59	\$7,000.00	11/12/14	110	11/21/14
<b>Total</b>	<b>151</b>	<b>\$20,925.75</b>			

III.

On or about the dates and in the transactions listed below, Respondent purchased livestock and failed to pay, within the time period required by the Act, the full purchase of the livestock.

Seller	No. of Head	Purchase Amount	Purchase Date	Due Date Per §409(a)	Date Paid
Gerald Adams	31	\$4,510.00	9/12/14	9/15/14	12/19/14 <sup>1</sup>
Mt. Hope Auction (Chester Mullet)	61	\$9,415.75	11/5/14	11/6/14	1/20/15 <sup>2</sup>
Mt. Hope Auction (Chester Mullet)	59	\$7,000.00	11/12/14	11/13/14	12/11/14 <sup>3</sup>
<b>Total</b>	<b>151</b>	<b>\$20,925.75</b>			

IV.

On or about 9/23/15, Respondent purchased 205 head of cattle from Diemel's Livestock, LLC and failed to pay the full purchase price of the livestock, valued at \$78,575.00<sup>4</sup>, in violation of the Act.

<sup>1</sup> Seller filed a Proof of Claim against Respondent on 10/15/14. As a result, the outstanding balance was satisfied through a Full and Final Settlement against Bond 69C004608 on 12/19/14.

<sup>2</sup> Respondent paid seller with two transactions: (1) a wire transfer for \$5,000 on 1/13/15; and (2) a wire transfer for \$4,475.00 on 1/20/15.

<sup>3</sup> Lisa Jones paid seller with a wire transfer for \$7000.00 on 12/11/14.

<sup>4</sup> The true cost of the 205 head of cattle was \$76,475.00 + \$2,100 for delivery of the calves to Respondent's location in Bennington, IN; however, Respondent had an outstanding balance with Diemel's of \$273,030 for prior dealings, bringing the total amount owed up to \$352,505. Because Respondent paid \$50,000 to Diemel's that same day (9/23/15), the "total due" on the invoice was listed as \$301,505.00.

V.

Respondent engaged in the business of a dealer buying and selling livestock in commerce after his surety bond was terminated on January 7, 2015, in violation of the Act.

VI.

By reason of the facts alleged in paragraphs II, III, IV, and V, Respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 204, 213(a), and 228b), and section 201.29 of the Regulations (9 C.F.R. § 201.29).

VII.

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether Respondent has 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, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, S.W, Washington, DC 20250-9200, 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 will constitute an admission of all the material allegations of this complaint.

The Grain Inspection, Packers and Stockyards Administration 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 and the regulations found to exist, prohibiting

Respondent from engaging in business in any capacity for which registration and bonding are required without being registered and bonded as required by the Act and regulations, and assessing such civil penalties against Respondent as are authorized by the Act and warranted under the circumstances.

Done at Washington, DC

this 30<sup>th</sup> day of November, 2016

**Signature redacted**

Susan B. Keith  
Deputy Administrator  
Packers and Stockyards Program

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