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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	P&S Docket No. D-	12-0105
	)		
Tony Wells d/b/a	)		
Tony Wells Livestock,	)		
	)		
Respondent	)	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, therefore, this complaint is issued alleging the following:

I.

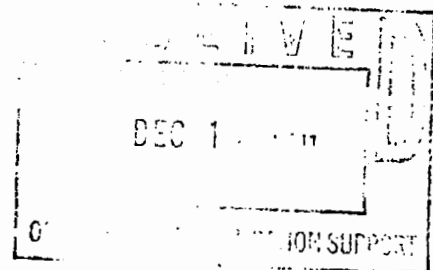
(a) Tony Wells, doing business as Tony Wells Livestock, referred to herein as the respondent, is an individual. The respondent's mailing address is P.O. Box 54, Wilmar, AR 71675.

(b) The respondent was at all times material herein:

(1) Engaged in the business of a livestock dealer buying and selling livestock in commerce for his own account; and

(2) Registered with the Secretary of Agriculture as a livestock dealer buying and selling livestock in commerce.

II.



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 purchases.

<u>PURCHASE DATE</u>	<u>PAYEE</u>	<u>AMOUNT</u>
5/31/10	Tadlock Stockyards, Inc. Forest, Mississippi	\$33,322.19
6/7/10	Tadlock Stockyards, Inc. Forest, Mississippi	\$44,577.06
6/14/10	Tadlock Stockyards, Inc. Forest, Mississippi	\$46,110.12
6/1/10	Livestock Producers Association Tylertown, Mississippi	\$29,199.98
6/8/10	Livestock Producers Association Tylertown, Mississippi	\$24,928.86
6/7/10	Southeast Mississippi Livestock Hattiesburg, Mississippi	\$40,366.10
6/15/10	Mid State Stockyards, LLP Letohatchee, Alabama	\$23,579.96

(b) As of the date of September 29, 2010, there remained an unpaid total of \$211,051.47 for such livestock purchases.

### III.

(a) On June 3, 2010, the respondent issued a check that was returned unpaid by the bank upon which it was drawn in the amount of \$29,199.98 to Livestock Producers Association in payment for his livestock purchases. Also on June 3, respondent issued a check that was returned unpaid by the bank upon which it was drawn in the amount of 33,322.19 to Tadlock Stockyards, Inc. for his livestock purchases. On June 8, 2010, the respondent issued an

insufficient funds check in the amount of \$40,366.10 to Southeast Mississippi Livestock in payment for his livestock purchases. On June 9, 2010, the respondent issued an insufficient funds check in the amount of \$24,928.86 to Livestock Producers Association in payment for his livestock purchases. On or about June 25, 2010, respondent wired a partial payment to Tadlock Stockyards, Inc. for \$35,000 for his livestock purchases, but the wire was returned by the bank on June 25, 2010. The respondent thus failed to have and maintain sufficient funds on deposit and available in the account upon which such checks were drawn to pay such checks when presented.

#### IV.

By reason of the facts alleged in paragraphs II and III, the respondent has willfully violated section 312(a) and 409 of the Act (7 U.S.C. § 213(a) and 228b).

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 of this Complaint.

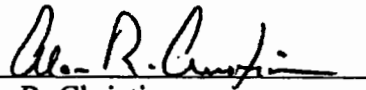
The Grain Inspection, Packers and Stockyards Administration, Packers and Stockyards Program, requests:

(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 civil penalties against the respondent in accordance with the Act and as warranted by the facts and circumstances of this case.

Done at Washington, D.C.

this 12 day of December 2011



Alan R. Christian  
Deputy Administrator  
Packers and Stockyards Program

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