

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-12- 0360
)
Dustin Ryan Conley)
d/b/a Dustin Conley Cattle Co.)
)
)
Respondent) Complaint

There is reason to believe that the respondent named herein has willfully violated provisions of 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 Dustin Ryan Conley, who does business as Dustin Conley Cattle Co., (Conley) is an individual who has a personal mailing address of P.O. Box 333, Cooper, TX, 75432 and a business mailing address of P.O. Box 449, Smiths Grove, KY, 42171. Conley 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 as a market agency buying livestock on a commission basis;
- (2) Not registered with the Secretary of Agriculture as a dealer buying

and selling livestock in commerce for his own account or as a market agency buying livestock on commission;

II

On or about November 30, 2010, the Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA) hand-delivered to respondent a Notice of Default (NOD) dated September 28, 2010. The NOD stated that GIPSA had information indicating that Conley was engaged in the business of buying and selling livestock in commerce. The NOD informed respondent that buying and selling livestock in commerce without being properly registered with GIPSA and without filing a bond or bond equivalent are violations of the Act and regulations issued thereunder. The NOD warned respondent that failure to comply with the registration and bonding requirements would result in appropriate corrective action. Relevant provisions, forms and instructions for registration and bonding were enclosed with the NOD.

III

Beginning in August 2010, and on the dates and in the transactions described in Appendix A, incorporated herein by reference, respondent engaged in the business of a dealer buying and selling livestock in commerce, and as a market agency buying livestock in commerce on a commission basis, without maintaining a bond or bond equivalent.

IV

By reason of the facts alleged in paragraphs I, II and III above, respondent willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)), 7 U.S.C. § 204, and sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29 and 201.30).

WHEREFORE, it is hereby ordered that 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, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 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.

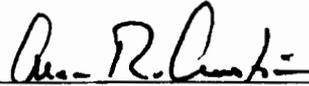
The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration requests:

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 being registered and engaging in any activities for which registration is required under the Act, and assessing such civil penalties against respondent as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 12 day of April, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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Appendix A

Purchase Date	Number of Head of Cattle Purchased	Livestock Amount	Seller/Purchased From	Named Buyer/Purchased For	Buying Commissions (where applicable)
7/26/2011	101	\$68,172.88	Emory Livestock Auction	Brookport Cattle Company	\$877.20
7/28/2011	75	\$52,423.53	Durant Stockyards	Brookport Cattle Company	
7/30/2011	113	\$86,612.49	Emory Livestock Auction	Brookport Cattle Company	\$1,373.60
8/2/2011	91	\$69,280.16	Emory Livestock Auction	Brookfield Cattle Company	\$1,087.05
8/4/2011	49	\$36,518.25	Durant Stockyards	Brookfield Cattle Company	
8/6/2011	129	\$96,033.62	Emory Livestock Auction	Brookfield Cattle Company	\$1,456.40
8/9/2011	86	\$69,937.13	Emory Livestock Auction	Brookfield Cattle Company	
8/11/2011	27	\$24,539.14	Durant Stockyards	Brookfield Cattle Company	
8/16/2011	44	\$40,651.17	Emory Livestock	Brookfield Cattle Company	
8/23/2011	49	\$36,828.24	Emory Livestock Auction	S&B Cattle Company	\$258.61
8/30/2011	14	\$9,874.88	Emory Livestock Auction	S&B Cattle Company	\$76.28
9/3/2011	27	\$17,578.27	Emory Livestock Auction	Morrison Bros.	\$297.25
9/3/2011	24	\$9,992.12	Emory Livestock Auction	D&C Farms	\$176.10
9/20/2011	39	\$17,341.11	Emory Livestock Auction	Morrison Bros.	
10/4/2011	21	\$12,703.71	Emory Livestock Auction	Morrison Bros.	\$219.95

