



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. 13- 0257
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)
Justin Turner,)
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)
Respondent) Complaint

There is reason to believe that the Respondent named herein has willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.) (Regulations), and, therefore, this complaint is issued alleging the following:

I.

- (a) Justin Turner (Respondent) is an individual whose business mailing address is 230 Pipkin Road, Arabi, GA 31712.
- (b) Respondent is, and at all times material herein was:
 - (1) Engaged in the business of a market agency buying livestock in commerce on a commission basis; and
 - (2) Registered with the Secretary of Agriculture as a dealer buying and selling livestock in commerce for his own account or for the account of others.

II.

Respondent, during the time period of August 2, 2011 through October 25, 2011, in approximately 10 transactions involving approximately 184 head of livestock, generated or caused to be generated purchase invoices with false information. Specifically, Respondent purchased livestock at Dixie Livestock Market, Inc. (Dixie) of Collins, Georgia, a posted stockyard, and either personally used Dixie's computer or directed Dixie personnel to generate purchase invoices that (1) listed the livestock as having been purchased under false names, namely Brian Gregory, Coverdale Farms, or Sunshine Farms, instead of listing Respondent as the purchaser; (2) represented that Respondent had resold approximately 156 head of the livestock at Dixie that he had purchased at Dixie earlier the same day when in fact Respondent had not resold the livestock through the ring at Dixie and had only electronically transferred the livestock onto new purchase invoices for Respondent's customers; and/or (3) listed purchase prices for the approximately 156 head of livestock that were higher than the actual purchase prices. Respondent then transmitted the invoices with the marked up prices to his customers on whose behalf Respondent was procuring the livestock. Respondent collected profits of approximately \$11,172.68 as a result of the marked up prices on the false purchase invoices in addition to the commissions that he charged his customers.

III.

Respondent, during the time period of August 2, 2011 through October 25, 2011, in approximately 9 transactions involving approximately 71 head of livestock, generated or caused to be generated accounts of sale with false information. Specifically, Respondent either personally used Dixie's computer or directed Dixie personnel to generate accounts of sale that (1) listed the livestock as having been consigned under false names, namely Brian Gregory or

Circle T Farms, instead of listing Respondent as the consignor; and/or (2) represented that Respondent had resold approximately 28 of the 71 head of livestock at Dixie that Respondent had purchased at Dixie earlier the same day when in fact Respondent had not resold the livestock through the ring at Dixie and had only electronically transferred the livestock from the purchase invoice to the account of sale at the exact same weight and price.

IV.

Respondent, in connection with his operations subject to the Act, by reason of the facts alleged in paragraphs II and III above, failed to keep and maintain accounts, records, and memoranda that fully and correctly disclosed all transactions involved in his business subject to the Act as required by section 401 of the Act (7 U.S.C. § 221) and as more fully specified in section 203.4 of the Statements of General Policy Under the Act (9 C.F.R. § 203.4).

V.

By reason of the facts alleged in paragraph II herein, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)) and sections 201.44 and 201.53 of the Regulations (9 C.F.R. §§ 201.44, 201.53).

By reason of the facts alleged in paragraph III herein, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)) and section 201.53 of the Regulations (9 C.F.R. § 201.53).

By reason of the facts alleged in paragraphs II, III, and IV herein, Respondent has willfully violated section 401 of the Act (7 U.S.C. § 221).

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether Respondent willfully violated the Act and the 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, SW., Washington, DC 20250-9200, in accordance with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (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, 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, an order requiring Respondent to keep and maintain all accounts, records, and memoranda that fully and accurately disclose all transactions involved in his business, suspending Respondent as a registrant under the Act for a specified period of time, and assessing such civil penalties against

Respondent as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 30th day of May, 2013

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

Leah C. Battaglioli
Attorney for Complainant
Marketing, Regulatory, and Food Safety Programs Division
Office of the General Counsel
United States Department of Agriculture
South Building, Room 2319
1400 Independence Ave., SW.
Washington, DC 20250
Phone: (202) 720-5191
Fax: (202) 690-4322
Email: leah.battaglioli@ogc.usda.gov