

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)
)
Scott T. Good,) P & S Docket No. 14-0025
)
and)
)
Hughey P. Weyandt, III) P & S Docket No. 14-0026
)
)
Respondents.) Complaint

There is reason to believe that respondent Scott T. Good and respondent Hughey P. Weyandt, III (collectively respondents) have willfully violated the provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), hereinafter referred to as the "Act," and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*), hereinafter referred to as the "regulations." Therefore, this complaint is issued alleging the following:

I.

(a) Respondent Scott T. Good, an individual whose business mailing address is 595 SR 830, Dayton, Pennsylvania 16222, 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 market agency buying livestock in commerce on a commission basis.

(b) Respondent Hughey P. Weyandt, III, an individual whose business mailing address is 645 Racers Road, Claysburg, PA 16625, is, and at all times material herein was:

- (1) Engaged in the business of a dealer to buy and sell livestock in commerce and as a market agency buying on commission; and
- (2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and as a market agency buying on commission.

II

On or about the dates in the transaction set forth below, involving approximately 755 head of livestock, respondent Hughey P. Weyandt, III, offered monetary payment to induce Scott T. Good, buying on commission for JBS Packerland, Inc., to purchase at inflated prices livestock consigned to Empire Livestock Marketing LLC, by respondent Hughey P. Weyandt, III. Respondent Scott T. Good accepted such payment from respondent Hughey P. Weyandt, and on some occasions actively inflated the prices by increasing his own bid at auction, while at the same time performing as a market agency buying on commission for JBS Packerland.

<u>Purchase Dates</u>	<u>No. Livestock consigned</u>	<u>Weyandt's Net Profit</u>	<u>Weyandt's payment to Good</u>
12/30/10 to 01/04/11	58	3,289.95	1,200.00
01/04/11 to 01/18/11	157	18,711.87	1,500.00
01/15/11 to 01/25/11	90	14,493.17	1,800.00

01/24/11 to 02/01/11	64	7,648.94	900.00
01/03/11 to 02/15/11	92	5,432.10	3,650.00
03/05/11 to 03/14/11	69	4,556.19	4,600.00
03/09/11 to 04/18/11	225	24,302.67	7,800.00
Totals	755	\$78,434.89	\$21,450.00

III.

Respondent Hughey P. Weyandt, III, in connection with operations subject to the Act, failed to keep and maintain records which fully and correctly disclosed all the transactions involved in his business as a market agency as required by section 401 of the Act (7 U.S.C. § 221). Specifically, respondent Hughey P. Weyandt, III failed to keep and maintain all purchase and sale invoices, balance sheets, income statements, monthly reconciliations and documents permitting the tracing of all payments made for livestock purchases.

IV.

By reason of the facts alleged in paragraph II respondent Scott T. Good has willfully violated section 312(a) of the Act (7 U.S.C. §213) and section 201.61(b) of the regulations (9 C.F.R. §201.61(b)).

By reason of the facts alleged in paragraph II respondent Hughey P. Weyandt, III has willfully violated section 312(a) of the Act (7 U.S.C. §213).

By reason of the facts alleged in paragraph III respondent Hughey P. Weyandt, III has violated section 401 of the Act (7 U.S.C. § 221).

WHEREFORE, it is hereby ordered that this complaint shall be served upon the respondents for the purpose of determining whether the respondents have willfully violated the Act and regulations. Respondents 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 respondents fail to file an answer within the time allowed, or file 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 respondents to cease and desist from the violations of the Act and the regulations found to exist, suspending respondents as registrants under the Act for a reasonable specified period and assessing such civil penalties against each respondent as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 11th day of December, 2013

Susan B. Keith

Susan B. Keith
Deputy Administrator
Packers and Stockyards Program

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