

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P&S Docket No. 14-0185
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) Faron Helvey,
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) Respondent) Complaint

There is reason to believe that the respondent named herein has willfully violated the Packers & Stockyards Act of 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) Faron Helvey, referred to herein as the respondent, is an individual with a business address of P.O. Box 501, Anderson, Texas 77830.
- (b) The respondent was at all times material herein was:
 - (1) Engaged in the business of a dealer or market agency buying livestock in commerce on a commission basis; and
 - (2) Not registered with the Secretary of Agriculture as a dealer or market agency to buy livestock in commerce on a commission basis.

II.

In the administrative proceeding captioned In re: Faron Helvey, P&S Docket 04-0003, the respondent was ordered to cease and desist from engaging in business in any capacity for which bonding was required under the Act and regulations unless and until he filed and maintained an adequate bond or its equivalent. The Secretary's order, which was final and

effective on December 17, 2004, also suspended the respondent's registration under the Act until such time as he complied fully with the bonding requirements of the Act and regulations. On June 2, 2010, the Grain Inspection, Packers & Stockyards Administration sent the respondent a Notice of Default notifying him of his obligation to file an application for registration and secure a bond if he wished to engage in the business of buying and selling livestock in interstate commerce. The Notice of Default also informed the respondent that engaging in business in any capacity that is subject to the Act without complying with the registration provisions of the Act and without filing an adequate bond or bond equivalent are violations of the Act and regulations and could subject him to disciplinary action. Notwithstanding the Secretary's order and the Notice of Default, the respondent continued to engage in the business of buying livestock in commerce without registering with the Secretary or maintaining an adequate bond or bond equivalent as required by the Act and regulations.¹

III.

During the period from November 4, 2011, through January 4, 2012, in 41 transactions involving his purchase of a total of 1756 head of livestock at Cattleman's Brenham Livestock Auction in Brenham, Texas, Pearsall Livestock Auction in Pearsall, Texas, and Navasota Livestock Auction Company in Navasota, Texas, for a total purchase price of \$1,185,280.27, the respondent engaged in the business of a dealer or market agency purchasing livestock in commerce on a commission basis without being registered with the Secretary and maintaining an adequate bond or bond equivalent.

IV.

¹On March 19, 2012, the respondent filed a proper application for registration as a dealer buying and selling livestock in commerce and an \$85,000.00 trust agreement/letter of credit with the Packers and Stockyards Program. Consequently, the respondent was registered as a dealer buying and selling livestock in interstate commerce effective April 12, 2012.

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

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

1. That unless the respondent fails to answer within the time allowed, or files an answer admitting all 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, prohibiting the respondent from engaging in business in any capacity for which registration and bonding are required under the Act and regulations without properly registering and providing such bond, and assessing such civil penalties against the respondent as are authorized by the Act and warranted by the facts and circumstances of this case.

Done at Washington, D.C.

this 5th day of September, 2014

Susan B. Keith

Susan B. Keith
Deputy Administrator
Packers and Stockyards Program

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