

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	
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Thomas B. Welch d/b/a TBW Cattle	)	P & S Docket No. D-16-0099
	)	
	)	
Respondent	)	<b>Complaint</b>

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.*) (“the Act”), and, therefore, this complaint is issued pursuant to the Rules of Practice Governing Proceedings Under the Act (7 C.F.R. § 1.130 *et seq.*) (“Rules of Practice”) alleging the following:

I.

- (a) Thomas “Tommy” B. Welch, doing business as TBW Cattle (hereinafter “Respondent”), is an individual with a business mailing address of P.O. Box 310, 3601 Millikan Road, Sophia, North Carolina, 27350.
- (b) At all times material to this complaint, Respondent was:
  - 1. Engaged in the business of buying and selling livestock in commerce as a dealer for its own account; and
  - 2. Not registered with the Secretary of Agriculture as a dealer to buy and sell livestock; however, operating subject to the Act.

II.

On or about the dates in the transactions set forth in Appendix A, Respondent failed to pay the full amount of the purchase price for such livestock within the time period required by

the Act.

III.

By reason of the facts alleged in paragraph II, Respondent willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213 and 228b).

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 Ave. SW, Washington, DC 20250, 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 shall constitute an admission of all the material allegations of this complaint.

Packers and Stockyards Program, GIPSA, 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, or unless this proceeding is disposed of by the issuance of a consent decision as provided in Section 1.138 of the Rules of Practice (7 C.F.R. § 1.138), this proceeding be set for oral hearing in accordance with the Rules of Practice; and
2. That such order be issued, including an order requiring Respondent to cease and desist from the violations of the Act and the Regulations found to exist and assessing such civil penalties against the Respondent as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 2<sup>nd</sup> day of May, 2016

Susan B. Keith

Susan B. Keith

Deputy Administrator

Packers and Stockyards Program

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