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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-08-0020
)
John Rife,)
)
Respondent) Complaint

There is reason to believe that Respondent named herein has willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (hereinafter referred to as the "Act") and, therefore, this complaint is issued alleging the following:

I

(a) John Rife (hereinafter, "Respondent"), is an individual whose business mailing address is 10075 Highway 59, Oswego, Kansas 67356.

(b) Respondent, at all times material herein was:

(1) Engaged in the business of a dealer, buying and selling livestock for his own account; and

(2) Registered with the Secretary of Agriculture as a dealer, buying and selling livestock for his own account and as a market agency, buying on commission.

II

(a) Respondent, in connection with his operations subject to the Act, in the transactions set forth below, failed to pay the full amount of the purchase price for livestock within the time period required by the Act.

Seller	Purchase Date	Date Payment Due	No. of Head	Livestock Amount	Date Paid
Joplin Regional Stockyards	9-11-06	9-12-06	31	\$15,578.63	9-30-06
Joplin Regional Stockyards	9-25-06	9-26-06	69	\$35,583.90	11-08-06
Joplin Regional Stockyards	10-02-06	10-03-06	53	\$33,439.55	10-09-06
Joplin Regional Stockyards	10-09-06	10-10-06	23	\$15,050.78	10-11-06
Joplin Regional Stockyards	10-16-06	10-17-06	47	\$24,923.98	10-23-06
Joplin Regional Stockyards	10-30-06	10-31-06	68	\$44,139.66	unpaid
Joplin Regional Stockyards	11-06-06	11-07-06	30	\$16,654.68	unpaid
Total			321	\$185,371.18	

(b) As of December 2006, \$60,794.34 of the total amount set forth above remained unpaid.

III

Respondent, in connection with his operations subject to the Act, on or about the dates and in the transactions set forth below, issued checks in purported payment for the purchase of livestock, which checks were returned unpaid by the bank upon which they were drawn because Respondent did not have and maintain sufficient funds on deposit and available in the account upon which they were drawn to pay such checks when presented.

Seller	Purchase Date	No. of Head	Livestock Amount	Check Number	Date of NSF Check
Joplin Regional Stockyards	9-11-06	753	\$463,207.40	3311	9-11-06
Joplin Regional Stockyards	9-25-06	696	\$430,234.17	3422	9-25-06
Joplin Regional Stockyards	10-30-06	559	\$304,559.18	3384	10-30-06
Joplin Regional Stockyards	11-06-06	131	\$72,654.00	19	11-06-06

IV

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

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)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has in fact willfully violated the Act and the regulations thereunder, this complaint shall be served upon Respondent. Respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.) (hereinafter, "Rules of Practice"). 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 therefor, 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 found to exist, suspending the Respondent as a registrant

under the Act and assessing such civil penalties as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

this 19 day of November, 2007



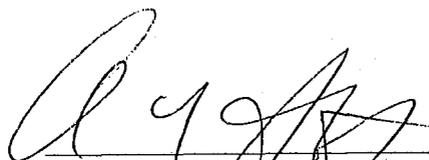
ALAN R. CHRISTIAN

Deputy Administrator

Packers and Stockyards Program

Grain Inspection, Packers and Stockyards

Administration



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