

45-11 Corday

UNITED STATES DEPARTMENT OF AGRICULTURE..
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Jeff Hayes,

d.b.a. Rockin 2H Farms

Respondent

P & S Docket No D- 11-0215

Complaint and
Notice to Show Cause

There is reason to believe that Respondent Jeff Hayes has wilfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act) and that Respondent Hayes is unfit to engage in business as a dealer under the Act, and therefore, this Complaint and Notice to Show Cause is issued alleging the following:

I.

(a) Respondent Jeff Hayes (Respondent) is an individual whose mailing address is in the State of Indiana. In order to protect the personal privacy of Respondent, this complaint does not include Respondent's address, but Complainant will provide the address to the Hearing Clerk so that service might be effected.

(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 his own account; and
2. Was not registered with the Secretary of Agriculture as a dealer or market agency under the Act.

II.

(a) Respondent, on or about the dates and in the four transactions set forth below, failed to pay the full purchase price of livestock to John A. Birdsong of Carrollton, Georgia, in the total amount of \$13,522.00.

Purchase Date	No. of Head	Livestock Amount	Amount Remaining Unpaid
03/14/2010	22	\$2,669.00	\$550.00
03/15/2010	41	\$6,865.00	\$6,865.00
03/20/2010	27	\$2,875.00	\$2,875.00
03/22/2010	23	\$3,232.00	\$3,232.00
Totals	113	\$15,641.00	\$13,522.00

(b) On April 17, 2010, Respondent purchased 27 horses from KM Auction Junction of Vienna, Missouri, for a total purchase price of \$6,930.00. At the time of purchase, Respondent delivered a check for the full purchase price which was returned by the bank on which it was drawn because there were insufficient funds on deposit and available in the account upon which it was drawn when the check was presented for payment. Respondent has made single payment of \$2,500.00 against this debt, and \$4,430.00 of the livestock amount remains unpaid.

III.

(a) On March 26, 2010, Respondent was notified by a letter from the Midwestern Regional Office of the Grain Inspection, Packers and Stockyards Administration (GIPSA) that Respondent was required to be registered and bonded under section 303 of the Act (7 U.S.C. § 203).

(b) Respondent has submitted a bond effective April 26, 2010, and an application, dated July 1, 2010, for registration under the Act. As Complainant

believes that Respondent is unfit to engage in the activity for which application has been made, a notice to show cause has been included in this Complaint pursuant to section 201.10(b) of the regulations (9 C.F.R. § 201.10(b)) to provide Respondent with the opportunity for a full hearing for the purpose of showing cause why the application for registration should not be denied.

IV.

By reason of the facts alleged in paragraph II, Respondent has wilfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b); Respondent is unfit to be registered as a dealer under section 303 of the Act (7 U.S.C. §203), and its application for registration should be denied pursuant to section 201.10(b) of the regulations (9 C.F.R. § 201.10(b)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent Jeff Hayes, in fact, wilfully violated the Act; and for the purpose of providing Respondent Jeff Hayes, with an opportunity to show cause why his application for registration as a dealer should not be denied, the complaint and notice to show cause shall be served upon the Respondents. Respondents 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 proceedings under the Act. Failure to file an answer shall constitute an admission of all the material allegations of this complaint and notice to show cause.

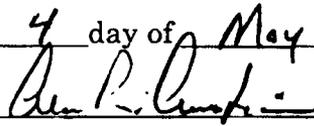
Packers and Stockyards Program, GIPSA, requests:

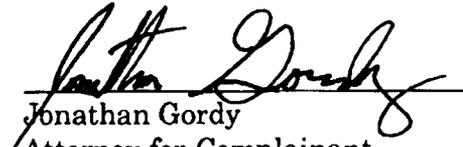
1. That unless Respondent fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint and notice to show cause, this proceeding be set for oral hearing in accordance with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued, including an order requiring (1) Respondent to cease and desist from violating the Act with respect to the matters alleged herein and assessing such civil penalties against these Respondent, as are authorized by the Act and warranted in the premises; and (2) an order denying the application for registration of Respondent.

Done at Washington, D.C.

this 4 day of May, 2011


Alan Christian, Deputy Administrator
Grain Inspection, Packers and
Stockyards Administration


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