

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P&S Docket No. 12- 0563
)	
Charles R. Helmick,)	
)	
Respondent)	Complaint

There is reason to believe that the respondent named herein has willfully violated the Packers & Stockyards Act, 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) Charles R. Helmick, referred to herein as the respondent, is an individual whose current address is in the State of West Virginia. His address will not be stated in the complaint to protect his privacy but will be provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service of this complaint.
- (b) Respondent is, and at all times material herein was:
 - (1) Engaged in the business of a dealer buying and selling livestock in commerce; and
 - (2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

II

- (a) During the period from June 23, 2009, through May 26, 2011, in five transactions

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involving respondent's purchase of a total of 100 head of livestock from Virginia Cattle Company in Radiant, Virginia, South Branch Valley Livestock Exchange in Moorefield, West Virginia, and Harry "Buck" Hamborsky in Connellsville, Pennsylvania, for a total purchase price of \$52,147.88, respondent failed to pay, when due, the full amount of the livestock purchase price. As of the date of the filing of this complaint, respondent has failed to pay \$29,504.20 for these purchases.

(b) During the period from April 1, 2011, through May 27, 2011, in fourteen transactions involving respondent's purchase of a total of 144 head of livestock from five different livestock sellers for a total purchase price of \$91,583.29, respondent failed to pay, when due, the full amount of the livestock purchase price.

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(a) and 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

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 requests:

1. That unless the respondent fails to file an answer within the time allowed, 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 an order be issued requiring the respondent to cease and desist from the violations of the Act and the regulations found to exist, suspending respondent as a registrant under the Act for a specified period, 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 1 day of August, 2012


Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

Brian Sylvester
Attorney for the Complainant
U.S. Department of Agriculture
Office of the General Counsel—Marketing, Regulatory, and Food Safety Programs Division
Room 2319, South Building
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250-1400
Telephone: (202) 720-2869