

USA
CATTLE

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

0578

In re:)	P. & S. Docket No. 12-	0578
)		
Jeffery D. Smith,)		
a/k/a Jeff Smith,)		
)		
Dale T. Smith and Sons Packing)		
Company, Inc.)		
)		
Webb Livestock, Inc.,)		
)		
Jay Webb,)		
)		
Wayne Bradshaw,)		
)		
Respondents)	Complaint and Notice of Hearing	

There is reason to believe that the respondents named herein have willfully violated the Packers and 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.*), therefore this Complaint and Notice of Hearing is issued alleging the following:

I

(a) Respondent Jeffery D. Smith, also known as Jeff Smith, is an individual whose mailing address is P.O. Box 892, Draper, UT 84020. Respondent Smith at all times material herein was:

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

- (2) Engaged in the business of a market agency buying livestock in commerce on a commission basis;
- (3) A dealer within the meaning of and subject to the Act;
- (4) A market agency within the meaning of and subject to the Act; and
- (5) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and registered as a market agency to buy livestock in commerce on a commission basis.

(b) Respondent Dale T. Smith and Sons Packing Company, Inc. is a corporation organized under the laws of the State of Utah and has an address of 12450 Pony Express Road, Draper, Utah, 84020. Dale T. Smith and Sons Packing Company, Inc. was at all times material herein:

- (1) Engaged in the business of buying livestock in commerce for the purposes of slaughter;
- (2) Engaged in the business of manufacturing or preparing meat and meat food products for sale or shipment in commerce; and
- (3) A packer within the meaning of and subject to the provisions of the Act.

(c) Respondent Webb Livestock, Inc. is a corporation organized under the laws of the State of Utah, and has an operating address of 3320 East 2630 South, Saint George, Utah, 84790. Webb Livestock, Inc., under the direction, management, and control of respondent Jay E. Webb, at all times material herein was:

- (1) Engaged in the business of a dealer buying and selling livestock in

commerce for his own account and the account of others;

(2) Engaged in the business of a market agency buying livestock in commerce on a commission basis;

(3) A dealer within the meaning of and subject to the Act;

(4) A market agency within the meaning of and subject to the Act; and

(5) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce and registered as a market agency to buy livestock in commerce on a commission basis.

(d) Respondent Jay E. Webb is an individual whose mailing address is 3320 East 2630 South, Saint George, Utah, 84790. Jay E. Webb at all times material herein was:

(1) President of Respondent Webb Livestock, Inc.;

(2) Owner of 50% of the stock issued by Respondent Webb Livestock, Inc.; and

(3) Responsible for the direction, management and control of Respondent Webb Livestock, Inc.

(e) Respondent Wayne Bradshaw is an individual whose mailing address is 53150 100 East HC74, Box 5112, Adamsville, Utah, 84731. Wayne Bradshaw at all times material herein was:

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

(2) Registered with the Secretary of Agriculture as a dealer to buy

and sell livestock in commerce.

II

During the period beginning approximately January 1, 2009, through June 9, 2009, and on other dates, respondents failed to conduct their livestock purchase operations in competition with, and independently of, each other at livestock sales held at the Producers Livestock Marketing Association in Salina, Utah.

III

During the period beginning approximately January 1, 2009, through June 9, 2009, and on other dates, respondents, in connection with transactions subject to the Act and for the purposes of restricting and limiting competition furnished each other with information concerning their proposed livestock buying operations and other buying information.

IV

By reason of the facts alleged in paragraph II above, respondents willfully violated sections 202(a), 307 and 312(a) of the Act (7 U.S.C. §§ 192(a), 208, and 213(a)) and section 201.70 of the regulations (9 C.F.R. § 201.70).

By reason of the facts alleged in paragraph III above, respondents willfully violated sections 202(a), 307 and 312(a) of the Act (7 U.S.C. §§ 192(a), 208, and 213(a)) and section 201.69 of the regulations (9 C.F.R. § 201.69).

WHEREFORE, it is hereby ordered that this Complaint and Notice of Hearing shall be served upon respondents for the purpose of determining whether respondents have willfully violated the Act and regulations. Respondents shall have twenty (20) days after receipt of this Complaint and Notice of Hearing in which to file an answer with the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9200, 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 will constitute an admission of all the material allegations of this Complaint.

Respondents are hereby notified that unless hearing is waived, either expressly or by failure to answer and request a hearing, a hearing will be held in accordance with the Rules of Practice, at a place and time to be designated later.

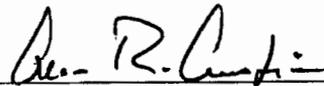
The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration requests:

1. That unless respondents fail to file an answer within the time allowed, or file an answer admitting all the material allegations of this Complaint and Notice of Hearing, 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 respondents to cease and desist from the violations of the Act and the regulations found to exist, an order suspending Respondents Jeffery D. Smith, Webb Livestock,

Inc. and Wayne Bradshaw as registrants under the Act, an order prohibiting Respondent Jay E. Webb from being registered and engaging in any activities for which registration and bonding are required under the Act for a specified period of time, and an order assessing such civil penalties against respondents as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 6 day of August, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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