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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	P & S Docket No. D-13-0180
	)	
Derek W. Crites, d/b/a DC Farms	)	
	)	
and	)	
	)	
Wayne H. Crites	)	
	)	
Respondents	)	COMPLAINT

There is reason to believe that respondents Derek W. Crites, d/b/a DC Farms and Wayne H. Crites have willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act), and, therefore, this Complaint is issued alleging the following:

I.

1. Derek W. Crites is an individual doing business as DC Farms (respondent DC Farms), with a current mailing address of 32 Hilltop Lane, Moorefield, WV 26836.
2. Respondent DC Farms, at all times material to the Complaint, was:
  - a. Engaged in the business of a dealer buying and selling livestock in commerce for his own account and the account of others; and
  - b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.
3. Wayne H. Crites is an individual with a current mailing address of 32 Hilltop Lane, Moorefield, WV 26836.

4. Respondent Wayne H. Crites, at all times material to the Complaint, was:
- a. Engaged in the business of buying and selling livestock in commerce as a dealer for his own account or for the account of others;
  - b. Not registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account or for the account of others;
  - c. Operating as a dealer within the jurisdiction of the Act; and
  - d. Responsible for the day-to-day management, direction, and control of respondent DC Farms.

II.

On or about June 6, 2000, respondent Wayne H. Crites was suspended as a registrant under the Act. *In re: Wayne H. Crites*, P&S Docket No. D-00-0003 (Decision). The Decision required respondent Wayne H. Crites, his agents and employees, directly or through any corporate or other device, in connection with his operations subject to the Act, to cease and desist from failing to pay the full amount of the purchase price for livestock within the time period required by the Act. A supplemental order has never been issued terminating this suspension.

III.

Notwithstanding the facts alleged in paragraph II, on or about the dates and in the transactions set forth below, respondents purchased livestock and failed to pay, when due, the full purchase price of such livestock.

Date Purchased	Seller's Name	No. of Head	Invoice Amount	Date Due	Date Paid	Payment Amount	Days Late
11/3/2010	South Branch Valley Livestock Exchange	42	\$21,769.98	11/4/2010	1/12/2011	\$21,769.98	69
11/6/2010		35	\$14,534.85	11/8/2010	12/6/2010	\$14,534.85	28
11/10/2010		28	\$11,172.82	11/12/2010	12/8/2010	\$11,172.82	26
11/17/2010		22	\$8,457.48	11/18/2010	1/5/2011	\$8,457.48	48
12/1/2010		13	\$5,885.57	12/2/2010	1/17/2011	\$5,885.57	46
12/8/2010		70	\$36,783.36	12/9/2010	12/15/2010	\$36,783.36	6
12/8/2010		44	\$16,907.83	12/9/2010	12/15/2010	\$16,907.83	6
12/15/2010		24	\$13,438.26	12/16/2010	1/26/2011	\$13,438.00	41

IV.

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

WHEREFORE, it is hereby ordered that this Complaint shall be served upon respondents for the purpose of determining whether the respondents have willfully violated the Act. Respondents shall have twenty (20) days after receipt of this complaint in which to 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 (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.

The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), requests:

1. That unless respondents 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 accord with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued, including an order requiring respondents to cease and desist from violating the Act with respect to the matters alleged herein, and assessing such penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 14<sup>th</sup> day of February, 2013

Susan B. Keith  
Susan B. Keith  
Acting Deputy Administrator  
Packers and Stockyards Program

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