

2015 MAY -6 PM 2: 34

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
Gary Wedel) Docket No. D-15- 0110
Respondent) Complaint

There is reason to believe that the Respondent named herein has willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) (regulations), and, therefore, this complaint is issued alleging the following:

I

(a) The Respondent Gary Wedel is an individual. The Respondent's mailing address will not be provided in the complaint to protect the Respondent's personal privacy, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purpose of service of this complaint and future documents.

(b) At all times material herein the Respondent has engaged in the business of a dealer buying or selling livestock in commerce and a market agency buying or selling livestock on a commission basis in commerce.

II

(a) GIPSA sent a Notice of Default Registration/Bonding (NOD) dated July 6, 2009, to the Respondent. The NOD was hand delivered on August 18, 2009. The NOD notified the Respondent of his obligation to file an application for registration and to secure a bond or bond

equivalent if he wished to engage in the business of buying and selling livestock in interstate commerce. The letter also informed the Respondent that engaging in business in any capacity that is subject to the Act without being properly registered with GIPSA and without filing a bond or bond equivalent is a violation of the Act and regulations and could subject him to disciplinary action.

III

During the period from October 11, 2013, through October 28, 2013, in approximately 5 transactions involving the purchase of a total of 113 head of livestock from Elk City Livestock, Elk City, Oklahoma, a posted stockyard, for a total purchase price of \$91,977.03, and a commission of \$343.68, the Respondent engaged in the business of a dealer buying or selling livestock in commerce and/or as a market agency buying or selling livestock in commerce on a commission basis without being registered with the Secretary and without maintaining an adequate bond or bond equivalent.

IV

During the period from October 11, 2013, through November 7, 2013, in approximately 7 transactions involving the purchase of a total of 8 head of livestock from the following posted stockyards: (1) Elk City Livestock, Elk City, Oklahoma, and (2) Apache Auction, Apache, Oklahoma, for a total purchase price of \$8,026.60, the Respondent engaged in the business of a dealer buying or selling livestock in commerce and/or as market agency buying or selling livestock in commerce on a commission basis without being registered with the Secretary and without maintaining an adequate bond or bond equivalent.

By reason of the facts alleged in paragraphs II, III, and IV the Respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)) and sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29 and 201.30).

WHEREFORE, it is hereby ordered that this complaint shall be served upon the Respondent for the purpose of determining whether the Respondent has willfully violated the Act and the regulations. Respondent shall have twenty (20) days after receipt of this complaint in which to file an Answer with the Hearing Clerk, Room 1031 - South Building, United States Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 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.

The Packers and Stockyards Program, 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 such order or orders be issued, including an order requiring the Respondent to cease and desist from the violations of the Act and the regulations found to exist, requiring that the Respondent not engage in operations subject to the Act unless or until he is adequately

bonded as required by 7 U.S.C. § 204 of the Act, and assessing such civil penalties against the Respondent as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 6th day of May, 2015

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

DARLENE M. BOLINGER
Attorney for the Complainant
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) 720-2028
Darlene.Bolinger@ogc.usda.gov