

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-09-0106
)
Gulf Packing Company, LP,)
)
) Complaint and Notice
Respondent) of Hearing

There is reason to believe that Respondent named herein has willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (hereinafter referred to as the "Act"), and therefore, this Complaint and Notice of Hearing is issued alleging the following:

I

(a) Gulf Packing Company, LP (hereinafter, "Respondent") is a limited partnership organized and existing under the laws of the State of Texas. Respondent's address is 618 Commerce, P.O. Box 357, San Benito, Texas 78586.

(b) Respondent is, and at all times material herein was:

(1) Engaged in the business of buying livestock in commerce for purposes of slaughter;

(2) Engaged in the business of slaughtering cattle and manufacturing or preparing meat or meat products for sale or shipment in commerce; and

(3) A packer within the meaning of and subject to the Act.

II

a) Respondent, on or about the dates and in the transactions set forth below, purchased livestock and failed to pay the full purchase price to the seller, Haw Shoe Farms. Respondent made purchases of goats on a live weight basis, accepted the livestock, and then unilaterally made adjustments (deductions) to invoices issued by the seller after the transactions had been completed.

Purchase Date	No. of Head	Amount Due for Livestock	Check Number	Amount of Check	Amount Unpaid
10/16/2006	243	\$12,540.00	13025	\$12,482.00	\$58.00
10/16/2006	249	\$14,692.50			\$14,692.50
10/30/2006	230	\$12,730.50	13080	\$10,449.60	\$2,280.90
01/27/2007	85	\$5,888.00	13663	\$5,031.20	\$856.80
02/02/2007	90	\$7,882.00	13758	\$3,630.00	\$1,203.30
			14088	\$3,048.70	
03/08/2007	193	\$9,842.50	13989	\$9,525.00	\$317.50
03/26/2007	156	\$10,575.00	14050	\$10,222.50	\$352.50
04/02/2007	155	\$9,825.00	14177	\$9,497.50	\$327.50
04/25/2007	85	\$4,995.25	14282	\$4,958.80	\$36.45
Totals		\$88,970.75		\$68,845.30	\$20,125.45

(b) Respondent failed to pay, when due, for the livestock purchases set forth in paragraph (a), in that Respondent paid less than the full amount due (as alleged in paragraph (a)), and paid even the lesser amounts later than the times required by the Act. Respondent also purchased livestock and failed to pay, when due, by paying the full purchase price after the time required by the Act, on additional dates and in additional transactions with the same seller. The

number of days by which the payments for the transactions in paragraph (a), and the payments for the additional transactions, were late, are set forth below:

Purchase Date	No. of Head	Amount Due for Livestock	Payment Due Date	Payment Date	Days Late
10/04/06	227	\$12,012.30	10/05/06	10/09/07	4
10/16/06	243	\$12,540.00	10/17/06	10/17/06	10
10/16/06	249	\$14,692.50	10/17/06	11/06/06	20
10/30/06	230	\$12,730.50	10/31/06	11/06/06	6
11/15/06	229	\$15,060.00	11/16/06	11/27/06	11
11/28/06	226	\$15,180.00	11/29/06	11/30/06	1
12/07/06	127	\$8,569.50	12/08/06	12/11/06	3
12/19/06	104	\$7,536.00	12/20/06	12/26/06	6
01/02/07	86	\$6,354.00	01/03/07	01/18/07	15
01/17/07	74	\$6,054.60	01/18/07	01/22/07	4
01/27/07	85	\$5,888.00	01/29/07	01/31/07	2
02/02/07	55	\$3,630.00	02/03/07	02/09/07	6
02/02/07	35	\$4,212.00	02/03/07	04/02/07	58
02/09/07	100	\$7,320.00	02/10/07	02/16/07	6
03/06/07	150	\$10,462.50	03/07/07	03/09/07	2
03/08/07	193	\$9,842.50	03/09/07	03/13/07	4
03/18/07	235	\$14,280.00	03/19/07	03/21/07	2
03/21/07	230	\$14,152.50	03/22/07	03/23/07	1
03/26/07	156	\$10,575.00	03/27/07	03/29/07	2
04/02/07	155	\$9,825.00	04/03/07	04/13/07	10
04/25/07	85	\$4,995.25	04/26/07	04/27/07	1
Total	3274	\$205,912.15			

(c) As of the date of the filing of this complaint, Respondent owes payment in the amount of \$20,145.25 on these transactions.

III

By reason of the facts alleged in paragraph II herein, Respondent has willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a) and 228b).

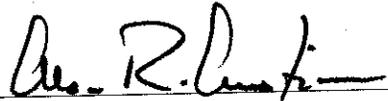
WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has, in fact, willfully violated the Act, this Complaint and Notice of Hearing shall be served upon Respondent. Respondent shall have twenty (20) days after receipt of this Complaint and Notice of Hearing to file with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, an answer with an original and three copies, fully and completely stating the nature of the defense and admitting or denying, specifically and in detail, each material allegation of this Complaint and Notice of Hearing. Allegations not answered will 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 and Notice of Hearing unless the parties have agreed to a consent decision pursuant to section 1.138 of the Rules of Practice (7 C.F.R. § 1.138).

Respondent is hereby notified that unless hearing is waived, either expressly or by failure to answer and request a hearing as provided by sections 1.136 and 1.141 of the Rules of Practice, a hearing for the above-mentioned purpose will be held at a time and place to be later designated before an administrative law judge authorized to conduct such hearing. At such hearing, Respondent will have the right to appear and show cause why an appropriate order should not be

issued in accordance with the provisions of the Act requiring that Respondent cease and desist from violating the Act with respect to the matters alleged herein and assessing an appropriate civil penalty.

Done at Washington, D.C.

this 30 day of April, 2009



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program
Grain Inspection, Packers and Stockyards
Administration

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