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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

| | | |
|-----------------------------------|---|----------------------------|
| In re: |) | P & S Docket No. D-16-0044 |
| |) | |
| Riata Cattle Company, Inc., |) | P & S Docket No. D-16-0045 |
| |) | |
| and |) | |
| |) | |
| Porfirio Garcia a/k/a Fedo Garcia |) | |
| |) | |
| Respondents |) | Complaint |

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.*) (“the Act”), and, therefore, this complaint is issued pursuant to the Rules of Practice Governing Proceedings Under the Act (7 C.F.R. § 1.130 *et seq.*) (“Rules of Practice”) alleging the following:

I.

1. Riata Cattle Company, Inc. (hereinafter “Corporate Respondent”), is a corporation organized and existing under the laws of the State of Texas. Corporate Respondent’s principal place of business is 9865 FM 2845, Lyford TX, 78569. Its business mailing address is P.O. Box 307, Raymondville, TX, 78580.
2. Porfirio Garcia, also known as Fedo Garcia (hereinafter “Individual Respondent”), is an individual with a business mailing address of P.O. Box 307, Raymondville, TX, 78580.
3. At all times material herein, Corporate Respondent was under the direction, management, and control of Individual Respondent and was:

- (a) Engaged in the business of a dealer buying and selling livestock in commerce;
and
 - (b) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock
in commerce.
4. At all times material herein, Individual Respondent was:
- a. Responsible for the direction, management, and control of Corporate Respondent;
 - b. President of Corporate Respondent;
 - c. Owner of 100% of the stock issued by Corporate Respondent; and
 - d. Registered Agent for Corporate Respondent.
5. Hereinafter, Corporate Respondent and Individual Respondent will be referred to as
“Respondents.”

II.

A Consent Decision and Order was signed by all parties and Administrative Law Judge Peter M. Davenport on May 16, 2012 in the case of *In re Riata Cattle Company, Inc. and Porfirio Garcia a/k/a Fedo Garcia*, P & S Docket No. 12-0390. Respondents, their agents and employees, successors and assigns, agreed to cease and desist from purchasing livestock and failing to pay the full amount of the purchase price for such livestock purchases within the time period required by section 409 of the Act (7 U.S.C. §228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

III.

Respondents, on or about the dates and in the transactions set forth in the table below, failed to pay the full amount of the purchase price for such livestock within the time period required by the Act.

| | Purchase Date | No. of Head | Net Invoice | Due Date | Postmark or Hand Delivery Date | Payment Amount |
|----------------------------------|---------------|-------------|--------------|-----------|--------------------------------|----------------|
| Gulf Coast Livestock Market, LLC | 3/19/2013 | 191 | \$123,074.94 | 3/20/2013 | 3/26/2013 | \$123,074.94 |
| | 3/26/2013 | 152 | \$92,323.81 | 3/27/2013 | 4/2/2013 | \$92,323.81 |
| | 4/2/2013 | 125 | \$79,934.47 | 4/3/2013 | 4/9/2013 | \$79,934.47 |
| | 4/9/2013 | 162 | \$105,383.67 | 4/10/2013 | 4/16/2013 | \$105,419.67 |
| | 4/23/2013 | 176 | \$106,312.04 | 4/24/2013 | 4/30/2013 | \$106,348.04 |
| | 4/30/2013 | 160 | \$101,347.36 | 5/1/2013 | 5/7/2013 | \$101,347.36 |
| Edinburg Livestock Auction, Inc. | 2/9/2013 | 122 | \$80,742.71 | 2/11/2013 | 2/15/2013 | \$80,742.71 |
| | 2/16/2013 | 173 | \$118,572.45 | 2/18/2015 | 2/21/2013 | \$118,572.45 |
| | 3/16/2013 | 264 | \$156,414.44 | 3/18/2013 | 3/27/2013 | \$156,414.44 |
| | 3/23/2013 | 243 | \$150,016.81 | 3/25/2013 | 4/9/2013 | \$150,016.81 |
| | 3/30/2013 | 119 | \$76,285.20 | 4/1/2013 | 4/9/2013 | \$76,285.20 |
| | 4/6/2013 | 197 | \$133,973.40 | 4/8/2013 | 4/15/2013 | \$133,973.40 |
| | 4/13/2013 | 151 | \$92,915.10 | 4/15/2013 | 4/24/2013 | \$92,915.10 |
| | 4/27/2013 | 200 | \$119,980.68 | 4/29/2013 | 5/7/2013 | \$119,980.68 |

IV.

By reason of the facts alleged in paragraphs II and III, Respondents have willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondents for the purpose of determining whether 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, Room 1031, South Building, United States Department of Agriculture, 1400 Independence Avenue, SW, Washington, D.C. 20250-9200, in accordance with the Rules of Practice (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.

Packers and Stockyards Program, GIPSA, requests:

1. That unless Respondents fail to file an answer within the time allowed, or files an answer admitting all the material allegations of this complaint, or unless this proceeding is disposed of by the issuance of a consent decision as provided in Section 1.138 of the Rules of Practice (7 C.F.R. §1.138), this proceeding be set for oral hearing in accordance with the Rules of Practice; and
2. That such order be issued, including an order requiring Respondents to cease and desist from the violations of the Act and the Regulations found to exist and assessing such civil penalties against the Respondents as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 8th day of February, 2016


Susan B. Keith
Deputy Administrator
Packers and Stockyards Program

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