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UNITED STATES DEPARTMENT OF AGRICULTURE ~~2012~~ AUG -6 PM 1:40

BEFORE THE SECRETARY OF AGRICULTURE RECEIVED

In re:)
) P&S Docket No. D-12-0583
)
)
) Celivo "Nick" Farinelli, d.b.a.
)
) Farinelli Enterprises and
)
) Wild Rose Ranch,
)
)
) Respondent) Complaint and Notice of Hearing

There is reason to believe that the respondent named herein has willfully violated the Packers & 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.*) and, therefore, this complaint and notice of hearing is issued alleging the following:

I.

(a) Respondent Celivo "Nick" Farinelli, doing business as Farinelli Enterprises and Wild Rose Ranch, is an individual with a business mailing address of P.O. Box 465, Le Grand, CA 95333.

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

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

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

II.

(a) On December 20, 2009, the respondent issued an insufficient funds check in the amount of \$9,390.18, to Escalon Livestock Market, Inc. in payment for his livestock purchases.

The respondent thus failed to have and maintain sufficient funds on deposit and available in the account upon which such check was drawn to pay such checks when presented.

(b) In connection with the transactions specified in paragraph II(a) above, the respondent also failed to pay, when due, the full amount of the livestock purchase prices within the time period required by the Act. As of the date of issuance of this complaint, \$8,890.18 of the \$9,390.18 referred to in paragraph II(a) above remains unpaid.

III.

(a) On or about the dates and in the transactions set forth below, respondent purchased livestock and failed to pay, when due, for such livestock purchases.

<u>PURCHASE DATE</u>	<u>PAYEE</u>	<u>AMOUNT</u>
1/8/10	Escalon Livestock Market, Inc. Escalon, CA	\$3,648.92
7/6/10	J.B. Juarguy Paso Robles, CA	\$4,460.00
4/16/11	Stockton Livestock Auction Yards French Camp, CA	\$855.44

(b) As of the date of issuance of this complaint, \$7,964.36 of the \$8,964.36 referred to in paragraph III(a) above remains unpaid.

IV.

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


WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has in fact willfully violated the Act and regulations issued thereunder, this Complaint and Notice of

Hearing shall be served upon Respondent. Respondent shall have twenty (20) days following receipt of this Complaint and Notice of Hearing 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.*). Failure to file an answer shall constitute an admission of all the material allegations of this Complaint and Notice of Hearing.

Respondent is 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. At the 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 which require that Respondent cease and desist from violating the Act with respect to matters alleged herein and assessing such civil penalties 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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