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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. D-12-0390
)
Riata Cattle Company, Inc.,)
)
and)
)
Porfirio Garcia a/k/a Fedo Garcia)
)
)
)
Respondents) Complaint

There is reason to believe that respondents Riata Cattle Company, Inc. and Porfirio Garcia have willfully violated the Packers and 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.*). Therefore, this Complaint is issued alleging the following:

I

- (a) Respondent Riata Cattle Company, Inc. is a corporation organized under the laws of the State of Texas, with its principal place of business located at 9865 FM 2845, Lyford, TX, 78569. Its mailing address is P.O. Box 307, Raymondville, TX, 78580.
- (b) Respondent Porfirio Garcia, also known as Fedo Garcia, is an individual whose mailing address is in the State of Texas. In order to protect the personal

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privacy of respondent his address is not included in this Complaint but has been provided to the Hearing Clerk for the purpose of effectuating service of process.

(c) Respondent Riata Cattle Company, Inc., under the direction, management and control of respondent Porfirio Garcia, is, and at all times material herein was:

- (1) Engaged in the business of a dealer buying and selling livestock in commerce; and
- (2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

(d) Respondent Porfirio Garcia is, and at all times material herein was:

- (1) President of respondent Riata Cattle Company, Inc.;
- (2) Owner of 100% of the stock issued by respondent Riata Cattle Company, Inc.;
- (3) Responsible for the direction, management and control of respondent Riata Cattle Company, Inc.; and
- (4) The *alter ego* of respondent Riata Cattle Company, Inc..

II

On or about June 7, 2010, the Regional Director, Western Regional Office, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA) informed respondents in a Notice of Violation (NOV) that they had failed to pay when due for livestock purchases in February and March of 2010, in violation of sections 409(a), 307(a) and 312(a) of the Packers and

Stockyards Act (7 U.S.C. §§ 228b, 208, and 213, respectively). The NOV also stated that the consequences for future violations included, *inter alia*, suspension of their registration and the assessment of civil penalties.

III

On or about the dates and in the transactions set forth in Appendix A, respondents purchased livestock and failed to pay, when due, the full purchase price of such livestock.

IV

By reason of the facts alleged in paragraphs I, II and III of this Complaint, respondents have willfully violated sections 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 this Complaint shall be served upon the respondents for the purpose of determining whether respondents have willfully violated the Act and regulations. 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, S.W., Washington, D.C. 20250-9200, 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 will constitute an admission of all the material allegations of this Complaint.

The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration requests:

1. That unless respondents fail to file an answer within the time allowed, or file 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 respondents to cease and desist from the violations of the Act and the regulations found to exist, suspending respondents as registrants under the Act, and assessing such civil penalties against respondents as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 24 day of April, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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Appendix A

Purchased From	Purchase Date	No. of Head of Cattle Purchased	Net Invoice Amount	Payment Due Date per \$409	Payment date
Union Commission Co., Inc.	7/12/2010	51	\$31,834.68	7/13/2010	7/20/2010
Union Commission Co., Inc.	7/19/2010	45	\$26,004.28	7/20/2010	7/23/2010
Union Commission Co., Inc.	7/26/2010	65	\$37,452.22	7/27/2010	7/30/2010
Union Commission Co., Inc.	8/2/2010	59	\$32,196.74	8/3/2010	8/6/2010
Gulf Coast Livestock Market, LLC	8/3/2010	200	\$119,380.13	8/4/2010	8/9/2010
Union Commission Co., Inc.	8/9/2010	43	\$21,903.30	8/10/2010	8/13/2010
Gulf Coast Livestock Market, LLC	8/10/2010	197	\$114,008.91	8/11/2010	8/16/2010
Gulf Coast Livestock Market, LLC	8/17/2010	184	\$104,041.25	8/18/2010	8/24/2010
Pearsall Livestock Auction, Inc.	8/18/2010	69	\$34,425.18	8/19/2010	8/24/2010
Gulf Coast Livestock Market, LLC	8/24/2010	198	\$109,209.72	8/25/2010	8/31/2010
Pearsall Livestock Auction, Inc.	8/25/2010	78	\$39,485.41	8/26/2010	8/31/2010

Gulf Coast Livestock Market, LLC	8/31/2010	133	\$79,194.99	9/1/2010	9/8/2010
Pearsall Livestock Auction, Inc.	9/1/2010	108	\$52,815.71	9/2/2010	9/8/2010
Gulf Coast Livestock Market, LLC	9/7/2010	170	\$86,830.27	9/8/2010	9/14/2010
Gulf Coast Livestock Market, LLC	9/14/2010	169	\$86,524.55	9/15/2010	9/20/2010
Pearsall Livestock Auction, Inc.	9/15/2010	35	\$17,353.60	9/16/2010	9/21/2010
Gulf Coast Livestock Market, LLC	9/21/2010	69	\$35,239.42	9/22/2010	9/27/2010