

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

P&S Docket No D-10-0033

Efren Saavedra, Jr., d/b/a
Ft. Worth & Company

Respondent

Amended Complaint

There is reason to believe that the respondent named in this Complaint 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 there under by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*)(Regulations), therefore, this Complaint is issued alleging the following:

I.

- (a) Efren Saavedra, Jr., d/b/a Fort Worth & Company, (Respondent Saavedra) is an individual whose business and mailing address is 7419 Via Serenita SW, Albuquerque, NM 87121.
- (b) At all times material to this Complaint, Respondent Saavedra was a dealer, engaged in the business of buying and selling in commerce livestock, either on his own account or as the agent of the vendor or purchaser.
- (c) At all times material to this Complaint, Respondent Saavedra operated as a dealer or a market agency within the jurisdiction of the Secretary.
- (d) Respondent applied to be registered, on or about January 22, 2009, with the Secretary of Agriculture as:
 - (1) a market agency, engaged in the business of providing clearing services, and
 - (2) as a dealer engaged in the business of buying and selling livestock.

II.

- (a) Respondent was notified by hand-delivered Notice of Default on October 3, 2008, that the Packers and Stockyards Program had information indicating that Respondent Saavedra may have been engaged in livestock operations covered by the Act without being registered and bonded with the Secretary. The Notice of Default referenced the Act and Regulations, and notified Respondent Saavedra of his obligation to obtain and file a registration and proof of a suitable bond or bond equivalent with the Packers and Stockyards Program. Included with the Notice of Default were form P&SP-1000, Application for Registration, and form P&SP-2000, the Bond Required of Livestock Market Agencies, Dealers, and Packers.
- (b) Respondent Saavedra continued to engage in the business of buying livestock in commerce without registering with the Secretary or maintaining and filing proof of a bond as required by the Act and the Regulations.
- (c) On December 5, 2008, Packers and Stockyards representatives spoke with Respondent Saavedra and instructed him to submit the required bonding information. On the same day, Respondent Saavedra provided a signed Application for Registration, which requested registration as a dealer. On January 22, 2009, Respondent Saavedra filed with the Packers and Stockyards Program an additional Application for Registration, which requested registration as a dealer and a market agency providing clearing services. To date, Respondent Saavedra has not filed a bond or its equivalent with the Secretary.

III.

On or about the dates and in the transactions set forth in this paragraph, Respondent engaged in the business of buying and selling livestock in commerce for his own account, without being Registered with the Secretary, and without maintaining and filing an adequate bond or bond equivalent with the Secretary. Respondent Saavedra purchased livestock from Cattlemen's Livestock Auction Company, Inc., of Belen, New Mexico, and Respondent Saavedra sold livestock to JBS Packerland Inc., Cargill Meat Solutions, San Angel Pack, Tulia Livestock Auction, Lone Star Beef Processors, L.P., and Lakin Feedyard. The dates of the livestock transactions and the number of livestock involved are as follows:

Purchase/Sale	Date of Purchase/Sale	Location of Purchase/Sale	Number of Head Purchased/Sold
Purchase	Nov 22, 2008	Cattlmen's Livestock Auction Co., Inc., Belen NM	193
Sale	Nov 24, 2008	JBS Packerland, Inc., Tolleson, AZ	78
Sale	Nov 24, 2008	Cargill Meat Solutions, Dallas TX	94
Sale	Nov 28, 2008	San Angelo Packing Company, Inc., San Angelo, TX	9
Purchase	Nov 14, 2008	Cattlemen's Livestock Auction Co.	346
Sale	Nov 17, 2008	Cargill Meat Solutions	94*
Sale	Nov 18, 2008	JBS Packerland, Inc.	38*
Sale	Nov 19, 2008	San Angelo Packing Co.	8
Sale	Nov 17, 2008	Tulia Livestock Auction, Tulia KS	192
Purchase	Nov 8, 2008	Cattlemen's Livestock Auction Co.	352
Sale	Nov 8, 2008	JBS Packerland Inc.	42
Sale	Nov 10, 2008	Cargill Meat Solutions	151
Sale	Nov 14, 2008	Lone Star Beef Processors, San Angelo, TX	4*
Sale	Nov 11, 2008	Lankin Feed Yard, Lankin KS	37
Sale	Nov 10, 2008	Tulia Livestock Auction	111
Sale	Nov 8, 2008	San Angelo Packing Co.	8*

*One animal was condemned in each of these sales.

IV.

On or about the dates and in the transactions set forth below, Respondent Saavedra failed to pay, when due, for livestock purchases from Cattlemen's Livestock Auction of Belen, New Mexico:

Purchase date	Date Payment Due	Livestock Amount	Date Paid	Days Late
Nov 14, 2008	Nov 17, 2008	\$68,408.04	Nov 19, 2008*	2
Nov 14, 2008	Nov 17, 2008	\$21,025.20	Nov 19, 2008*	2
Nov 14, 2008	Nov 17, 2008	\$1,628.43	Nov 21, 2008	4
Nov 7, 2008	Nov 10, 2008	\$10,911.01	Nov 13, 2008**	3
Nov 7, 2008	Nov 10, 2008	\$2,463.48	Nov 13, 2008**	3
Nov 7, 2008	Nov 10, 2008	\$5,271.43	Nov 13, 2008**	3
Nov 7, 2008	Nov 10, 2008	\$26,351.08	Nov 12, 2008***	2
Nov 7, 2008	Nov 10, 2008	\$19,862.61	Nov 12, 2008***	2
*Payment made by single check no. 10121				
**Payment made by single check no. 10115				
***Payment made by single check no. 10114				

V.

By reason of the facts alleged in paragraphs II and III, Respondent Saavadra has engaged in operations subject to the Act without registering with the Secretary or maintaining an adequate bond and 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, 201.30).

By reason of the facts alleged in paragraph IV, Respondent Saavadra has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b).

WHEREFORE, it is ordered that for the purpose of determining whether Respondent Saavedra has willfully violated the Act, this Complaint shall be served upon Respondent Saavedra. Respondent Saavedra shall file an answer within 20 days with the Hearing Clerk of the United States Department of Agriculture, Washington, DC 20250, in accordance with the Rules of

Practice. Failure to file an answer shall constitute an admission of all the material allegations of this Complaint.

Packers and Stockyards Program, GIPSA, requests:

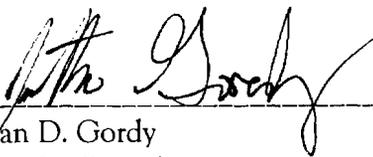
1. That unless Respondent Saavedra fails to file an answer within the time allotted, or files an answer admitting all of the material allegations of this Complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice; and

2. That such order or orders be issued, including an order requiring Respondent Saavedra to cease and desist from the violations found to exist, suspending Respondent Saavedra as a registrant under the Act, and assessing such civil penalties, as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.,
This 17 day of November 2009



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program, GIPSA



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