

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: )  
George Gonzalez, ) P & S Docket No. D-10- 0218  
Respondent ) COMPLAINT

There is reason to believe that the Respondent named herein has willfully violated provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), hereinafter referred to as “the Act,” and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*), hereinafter referred to as “the regulations,” and therefore, this Complaint is issued alleging the following:

I.

- (a) George Gonzalez (hereinafter “Respondent”) is an individual whose business mailing address is P.O. Box 1334, Donna, TX 78537.
- (b) At all times material herein, Respondent was:
  - (1) operating as a market agency buying livestock in commerce on a commission basis; and
  - (2) not registered, as required, as a market agency buying livestock in commerce on a commission basis, with the Secretary of Agriculture.

II.

In February 2008, a Packers and Stockyards Auditor found Respondent buying livestock on commission during a market review of R. Y. Livestock Sales, Inc. of Rio Grande City, Texas.

On June 13, 2009, a Packers and Stockyards Resident Agent, hand delivered a Notice of Default to Respondent, advising Respondent to comply with the registration and bonding provisions of the Act. Specifically, the Notice of Default advised Respondent to: (1) file a P&SP-1000 form, Application for Registration and (2) obtain a condition 2 bond or bond equivalent.

Notwithstanding such notice, Respondent continued to operate as a market agency buying on commission without a bond or bond equivalent on 8 sale days, in July and August 2009, purchasing 179 head of livestock for \$55,084.13 and receiving commission in the amount of \$835.85, in violation of the Act and the regulations, as set forth below:

<b>Purchase Date</b>	<b>No. of Head</b>	<b>Livestock Amount</b>	<b>Seller's Name</b>	<b>Commission Amount</b>
7/18/09	16	\$5,376.95	Edinburg Livestock Auction, Inc.	\$112.75
7/24/09	15	\$3,609.30	R. Y. Livestock Sales, Inc.	\$49.05
7/25/09	24	\$7,149.78	Edinburg Livestock Auction, Inc	\$138.05
7/31/09	26	\$9,323.35	R. Y. Livestock Sales, Inc.	\$154.15
8/1/09	16	\$6,149.85	Edinburg Livestock Auction, Inc.	\$65.30
8/7/09	33	\$9,659.00	R. Y. Livestock Sales, Inc.	\$137.35
8/8/09	7	\$1,902.15	Edinburg Livestock Auction, Inc.	\$17.80
8/14/09	42	\$11,913.75	R. Y. Livestock Sales, Inc.	\$161.40
<b>Total</b>	<b>179</b>	<b>\$55,084.13</b>		<b>\$835.85</b>

### III.

As of the date of the filing of this complaint, Respondent has not obtained a bond or bond equivalent, as required by the Act.

## IV.

By reason of the facts alleged in paragraphs II and III, Respondent has engaged in operations subject to the Act without maintaining an adequate bond or bond equivalent and has willfully violated section 312(a) of the Act (7 U.S.C. § 213) and section 201.29 of the regulations (9 C.F.R. § 201.29).

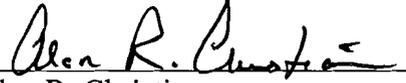
WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether the Respondent has willfully violated the Act and the regulations issued thereunder. Respondent shall have twenty (20) days after receipt of this complaint in which to file an answer 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.*; "Rules of Practice"). 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.

The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), requests:

1. That unless Respondent fails to file an answer within the time allowed, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accord with the Rules of Practice governing proceedings under the Act.
2. That such order or orders be issued, including an order requiring Respondent, to cease and desist from the violations of the Act with respect to the matters alleged herein, and assessing such penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 9 day of April, 2010



Alan R. Christian  
Deputy Administrator,  
Packers and Stockyards Program



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