

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

12-0403
2010-03-29 2:20

In re:) P & S Docket No. 12-0403
)
Norberto Gonzalez, aka Tito Gonzalez,)
d/b/a TG Cattle)
)
Respondent) Complaint

There is reason to believe that the Respondent named herein has willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act), and, therefore, this complaint is issued alleging the following:

I.

- (a) Norberto Gonzalez, aka Tito Gonzalez, d/b/a TG Cattle (Respondent), is an individual whose mailing address is PO Box 313, Falfurrias, Texas 78355.
- (b) At all times material herein, Respondent was:
 - (1) Engaged in the business of a dealer buying and selling livestock in commerce for his own account; and
 - (2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for his own account.

II.

On or about March 15, 2010, the Western Regional Office of the Packers and Stockyards Program sent Respondent a Notice of Violation¹ letter informing him that a recent review of his dealer operations revealed that he was failing to promptly pay for livestock purchases in violation of section 409 of the Act (7 U.S.C. § 228b). Respondent was served with the Notice of Violation letter on March 29, 2010. The Notice of Violation letter further informed Respondent

¹ The Notice of Violation letter was incorrectly labeled as a Notice of Default for Registration/Bonding.

that he must take immediate steps to bring his operations into compliance with the Act and that failure to do so could result in civil penalties.

III.

(a) Respondent, in connection with his operations subject to the Act, commencing on or about June 1, 2010, and continuing through August 13, 2010, in 18 transactions, purchased livestock in the total amount of approximately \$188,466.91 and failed to pay the full amount of the purchase price for the livestock within the time period required by the Act. Respondent's payments were made between approximately 4 and 13 days late. Respondent purchased the livestock from Gulf Coast Livestock Market LLC, Alice, Texas, and Beeville Livestock Commission, Inc., Beeville, Texas, both posted stockyards. As of March 9, 2012, Respondent owes \$12,562.28 to Beeville Livestock Commission, Inc. for his purchases.

(b) On October 11, 2010, Respondent signed a promissory note in which Respondent agreed to pay \$15,362.28 plus 8% interest to Beeville Livestock Commission, Inc. in 23 monthly installments to commence on November 15, 2010. The promissory note is attached hereto as Exhibit A and incorporated herein by reference. Respondent has made four (4) payments of \$700.00 each. After applying these payments, Respondent owes Beeville Livestock Commission, Inc. \$12,562.28 plus 8% interest on the promissory note.

IV.

Respondent, in connection with his operations subject to the Act, failed to keep and maintain records which fully and correctly disclosed all the transactions involved in his business as a dealer as required by section 401 of the Act (7 U.S.C. § 221). Specifically, Respondent failed to keep and maintain all purchase and sale invoices and documents permitting the tracing of livestock from purchase through sale.

V.

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

By reason of the facts alleged in paragraph IV, Respondent has willfully violated section 401 of the Act (7 U.S.C. § 221), by failing to keep and maintain records that fully and correctly disclosed all transactions involved in his business subject to the Act.

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether Respondent has willfully violated the Act. 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, DC 20250, in accordance with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (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 will constitute an admission of all the material allegations of this complaint.

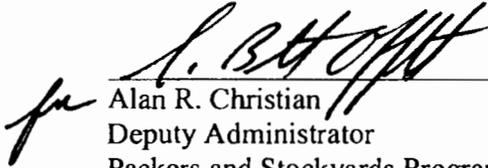
The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), requests:

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 accordance with the Rules of Practice; and

2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act found to exist, and suspending Respondent as a registrant under the Act.

Done at Washington, D.C.

this 27th day of April, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

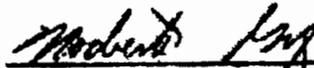
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Washington, DC 20250-1413
(202) 720-5191

PROMISSORY NOTE

\$15,362.28

October 11, 2010
Beeville L/S Commission, Inc,

For value received, I, Nóberto (Tito) Gonzalez dba T & G Cattle Company of P O Box 313 Falfurrias Texas , Brooks County, Texas, promise to pay \$15,362.28 plus 8% simple interest to the order of Beeville L/S Commission, Inc., P O Box 697, Beeville, TX 78104. Payable in 23 monthly installments of \$691.30, and one month of \$691.36 for a total of \$16,591.26. Payments will begin November, 15, 2010.



(signature)