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UNITED STATES DEPARTMENT OF AGRICULTURE -5 JUN 12 29  
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

P&S Docket No D-10-0033

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

Respondent

Decision by Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act), by an Amended Complaint filed November 19, 2009, by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondent willfully violated the Act and regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*). This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

Complainant agrees to the entry of this decision.

Findings of Fact

1. 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.
2. At all times material to this Decision, 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.
3. At all times material to this Decision, Respondent Saavedra operated as a dealer or a

market agency within the jurisdiction of the Secretary.

4. As of March 1, 2010, Respondent is registered and bonded with the Secretary as market agency buying on commission and providing clearing services, and Respondent is registered as a dealer buying and selling livestock.

#### Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, the decision will be entered.

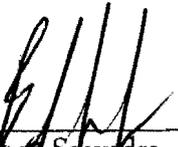
Respondent, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from:

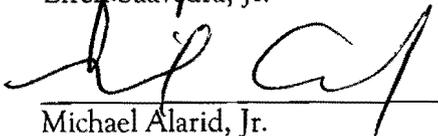
1. failing to pay, when due, the full amount of the purchase price of livestock as required by section 409 of the Act (7 U.S.C. § 228b), or
2. engaging in operations subject to the Act without registering with the Secretary or maintaining an adequate bond as required by section 312(a) of the Act (7 U.S.C. § 213(a)), and sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§ 201.29, 201.30).

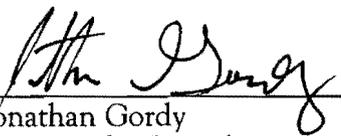
In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of four thousand dollars (\$4,000).

The provisions of this order shall become final and effective on issuance.

Copies of this decision shall be served upon the parties.

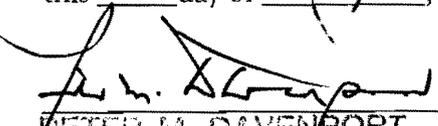
  
\_\_\_\_\_  
Eren Saavedra, Jr.

  
\_\_\_\_\_  
Michael Alarid, Jr.  
Attorney for Respondent

  
\_\_\_\_\_  
Jonathan Gordy  
Attorney for Complainant

Done at Washington, D.C.

this 5<sup>th</sup> day of May, 2010

  
\_\_\_\_\_  
PETER M. DAVENPORT  
Administrative Law Judge

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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P&S Docket No D-10-0033

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

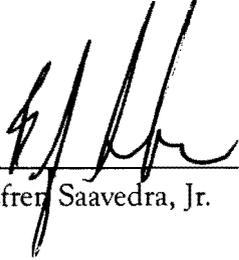
Respondent

UNDERSTANDING REGARDING CIVIL PENALTY PAYMENT TERMS

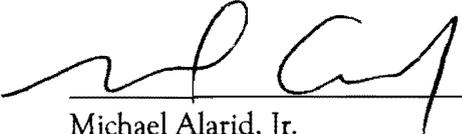
Respondent, having been assessed a civil penalty of \$4,000.00 in this matter, hereby agrees to pay the civil penalty as follows: (a) Respondent shall make an initial payment of \$326.00, which will accompany this signed Understanding when it is returned to Complainant; and (b) thereafter, Respondent shall make eleven monthly payments of \$334.00, totaling \$3,674.00, with the payments postmarked no later than the first of each month starting in May 2010 until the last payment on March 1, 2011 (*i.e.* May 1, 2010, June1, 2010, July1, 2010, August1, 2010, September1, 2010, October1, 2010, November1, 2010, December 1, 2010, January1 , 2011, February 1, 2011, and March 1, 2011). All payments referred to in this Understanding shall be by check or money order payable to the **United States Department of Agriculture**. All payments, after the first payment, shall be mailed to: USDA, Grain Inspection Packers and Stockyards Administration, P.O. Box 790335, St. Louis, MO, 63179-0335. The check or money order should include the docket number of this proceeding.

Respondent explicitly waives all further proceedings or hearings in connection with this matter and explicitly agrees that, in the event that Respondent does not pay the civil penalty by the required dates, a consent judgment may be entered in the United States District Court without

further proceedings for the full amount due and owing and such interest and penalty thereon, and court costs as may be provided for by law. Interest at the annual rate prescribed by the Secretary of the Treasury, and a penalty at the annual rate of 6 per cent, shall be added from the date the civil penalty becomes due and payable pursuant to 31 U.S.C. § 3717(a)(1) and (e)(2).

  
\_\_\_\_\_  
Efrén Saavedra, Jr.

Apr 29 - 10  
Date

  
\_\_\_\_\_  
Michael Alarid, Jr.  
Attorney for Respondent

Apr 29 - 10  
Date

  
\_\_\_\_\_  
Jonathan Gordy  
Attorney for Complainant

4/30/2010  
Date

THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK PRINTED ON THE BACK. THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE. ABSENCE OF THESE FEATURES WILL INDICATE A COPY

**NOTICE TO CUSTOMERS**  
The purchase of an indemnity bond may be required before any cashier's check of this bank will be replaced in the event it is lost, misplaced, or stolen.

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REMITTER FT. WORTH AND COMPANY LLC  
RUEBEN S. \$380.00/ EFREN S. \$326.00

**NEWMEXICO**  
BANK & TRUST  
Albuquerque, New Mexico 87102  
(505) 830-8100

DATE 4/28/2010

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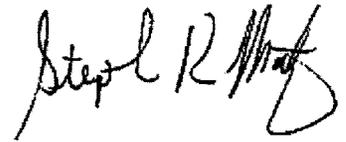
Pay to the order of UNITED STATES DEPARTMENT OF AGRICULTURE

\$ 706.00

Seven Hundred Six Dollars and No Cents

**CASHIER'S CHECK**

PAYABLE THROUGH  
THE BANK OF NEW YORK MELLON  
EVERETT, MA



Cashier/Senior Vice President

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