

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Joe John Garcia

Respondent

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P&S Docket No. 10-0012

Complaint

There is reason to believe that the respondent named herein has willfully violated the Packers & 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.*) and, therefore, this complaint is issued alleging the following:

I.

- (a) Respondent Joe John Garcia (hereinafter "Respondent") is an individual. In order to protect the personal privacy of the Respondent, Complainant is not providing Respondent's address in this Complaint, but Complainant has provided the address to the Hearing Clerk so that service can be effected.
- (b) At all times material herein, Respondent was:
  - 1. Engaged in the business of a livestock dealer buying and selling livestock in commerce for his own account;
  - 2. Registered with the Secretary of Agriculture as a livestock dealer to buy or sell livestock in commerce for his own account; and
  - 3. Registered with the Secretary of Agriculture as a market agency to buy livestock in commerce on a commission basis.

II.

On or about January 16, 2014, Respondent purchased 87 head of livestock from Cattlemens Livestock Auction Co., Inc. in Belen, New Mexico, and failed to pay, when due, the \$9,578.43 purchase price for such livestock.

On or about February 5, 2014, Respondent purchased 20 head of livestock from Valley Livestock Auction, LLC in Sun Valley Arizona, and failed to pay, when due, the \$15,763.23 purchase price for such livestock.

As of the date of this complaint, there remained unpaid a total of \$25,341.66 for these livestock purchases.

III.

In the February 5, 2014, transaction referenced in paragraph II, Respondent issued a check in the amount of \$15,763.23, in payment for livestock, and such check was returned unpaid by the bank because Respondent failed to have and maintain sufficient funds on deposit and available in the account upon which such check was drawn to pay such check when presented for payment.

IV.

By reason of the facts alleged in paragraphs II and III of the complaint, the Respondent has willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b), and section 201.43 of the regulations (9 C.F.R. § 201.43).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the Respondent has willfully violated the Act and the regulations, this complaint shall be served upon the Respondent. The Respondent shall have twenty (20) days following receipt of this complaint 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 the 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 shall constitute an admission of all the material allegations of this complaint.

The Grain Inspection, Packers and Stockyards Administration, requests:

1. That unless the Respondent fails to file an answer within the time allowed therefore, 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 Governing Proceedings Under the Act; and

2. That such order or orders be issued, including an order requiring the Respondent to cease and desist from the violations found to exist and suspending the Respondent as a registrant under the Act and prohibiting the Respondent, for a specified period, from engaging in business in any capacity for which registration and bonding are required under the Act.

Done at Washington, D.C.

this 14<sup>th</sup> day of October, 2015

  
Susan B. Keith  
Deputy Administrator  
Packers and Stockyards Program

Lisa Jabaily  
Attorney for the Complainant  
Marketing, Regulatory, and Food Safety Programs Division  
Office of the General Counsel  
United States Department of Agriculture  
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