

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 12-0597

In re: Ricardo Jurado,

Respondent

Default Decision and Order

Preliminary Statement

This disciplinary proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), (the Act), by a Complaint filed on August 24, 2012, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Ricardo Jurado (Respondent) willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*) (regulations).

The Complaint and a copy of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130) (Rules of Practice), were served upon the Respondent by certified mail on August 31, 2012. Respondent was informed in the letter of service that an Answer should be filed pursuant to the Rules of Practice and that failure to answer would constitute an admission of all the material allegations contained in the Complaint.

Respondent failed to file an answer within the time period prescribed by the Rules of Practice (7 C.F.R. § 1.136), and the Following Findings of Fact, Conclusions of Law and Order will be entered pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Respondent Ricardo Jurado, referred to herein as the respondent, is an individual with a mailing address in Raisin City, California.
2. The respondent is, and at all times material herein was:
 - a. Engaged in the business of a dealer buying and selling livestock in commerce; and
 - b. Not registered or bonded with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.
3. On April 6, 2009, the Grain Inspection, Packers and Stockyards Administration (GIPSA) sent respondent a Notice of Default (NOD) by certified mail. The NOD was delivered to the respondent on April 14, 2009. The NOD notified the respondent of his obligation to file an application for registration and to secure a bond or bond equivalent if he wished to engage in the business of buying and selling livestock in commerce. The NOD also informed the respondent that engaging in business in any capacity that is subject to the Act without being properly registered with GIPSA and without filing a bond or bond equivalent is a violation of the Act and regulations and could subject him to disciplinary action.
4. Notwithstanding the notice to respondent that he must be registered and bonded in order to lawfully operate subject to the Act, during the period from May 31, 2011, through July 11, 2011, in thirteen transactions involving his purchase of a total of 73 head of livestock from Producers Livestock Market, Visalia Livestock Market, Escalon Livestock Market and Tulare County Stockyards, for a total purchase price of \$20,222.90, the respondent engaged in the business of a dealer buying livestock in commerce without being registered with the Secretary

and without maintaining an adequate bond or bond equivalent.

5. During the period from June 2, 2011, through July 14, 2011, in seven transactions involving his sale of a total of 41 head of livestock to Overland Stockyards, for a total sale price of \$11,878.34, the respondent engaged in the business of a dealer buying livestock in commerce without being registered with the Secretary and without maintaining an adequate bond or bond equivalent.

6. Respondent, in connection with his operations subject to the Act, issued an insufficient funds check in the amount of \$959.80, to Visalia Livestock Market for his livestock purchases on June 8, 2011. The respondent thus failed to have and maintain sufficient funds on deposit and available in the account upon which such check was drawn to pay such checks when presented.

7. In connection with the transaction specified in paragraph 6, the respondent also failed to pay, when due, the full amount of the livestock purchase prices within the time period required by the Act.

8. Respondent, in connection with his operations subject to the Act, on or about the dates and in the transactions set forth below, respondent purchased a total of 5 head of livestock and failed to pay, when due, for such livestock purchases.

<u>Purchase Date</u>	<u>Payee</u>	<u>Amount</u>
8/30/2011	101 Livestock Market, Aurora, Co	\$926.70
9/6/2011	101 Livestock Market, Aurora, Co	\$1,456.10

9. As of the date of issuance of this Decision and Order, \$2,382.80 of the \$2,382.80 referred to in paragraph 8 remains unpaid.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Respondent engaged in operations subject to the Act without being properly registered with the Secretary of Agriculture and without maintaining an adequate bond or bond equivalent, and, therefore 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).
3. By reason of the facts alleged Findings of Fact 6 through 9, Respondent willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228(b)).

Order

1. Respondent Ricardo Jurado, his agents and employees, directly or indirectly through any corporate or other device, in connection with his operations subject to the Packers and Stockyards Act, shall cease and desist from:
 - a. Engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act, as amended and supplemented, and the regulations, without filing and maintaining an adequate bond or its equivalent, as required by the Act and the regulations;
 - b. Issuing checks in payment for livestock without having and maintaining sufficient funds on deposit and available in the bank account upon which they are drawn to pay such checks when presented; and
 - c. Failing to pay, when due, the full purchase of livestock.
2. Respondent Ricardo Jurado is prohibited from engaging in business in any capacity for which registration and bonding is required under the Packers and Stockyards Act without first becoming properly registered under the Act.

3. Respondent is assessed a civil penalty in the amount of ten thousand dollars (\$10,000). Respondent shall send a certified check or money order in the amount of ten thousand dollars (\$10,000), payable to the Treasurer of the United States, to:

USDA—GIPSA
P.O. Box 790335
St. Louis, MO 63197-9000

The certified check or money order shall include the docket number of this proceeding.

4. This decision shall become final and effective without further proceedings 35 days after the date of service upon respondent, unless it is appealed to the Judicial Officer by a party to the proceeding within 30 days pursuant to Section 1.145 of the Rules of Practice (7 C.F.R § 1.145).

Copies of this Decision and Order shall be served upon the parties.

January 30, 2013

Peter M. Davenport
Chief Administrative Law Judge