

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	
)	
Riata Cattle Company, Inc.)	P & S Docket No. D-16 -0044
and)	
Porfirio (a/k/a "Fedo") Garcia)	P & S Docket No. D-16-0045
)	
)	
)	
Respondents)	CONSENT DECISION

This 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 February 10, 2016 by the Deputy Administrator of the Grain Inspection, Packers and Stockyards Administration (GIPSA), of the United States Department of Agriculture ("Complainant"), alleging that Respondents Riata Cattle Company and Porfirio (a/k/a "Fedo") Garcia ("Respondents") willfully violated the Act. This Consent Decision is entered pursuant to the consent decision provision of 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").

Respondents admit the jurisdictional allegations in paragraph I of the Complaint and specifically admit that the Secretary of the United States Department of Agriculture has jurisdiction in this matter; neither admit nor deny the remaining allegations; waive oral hearing and further procedure, including all rights to seek judicial review and otherwise challenge or

contest the validity of this decision; and consent and agree, 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. Riata Cattle Company, Inc. (hereinafter “Corporate Respondent”), is a corporation organized and existing under the laws of the State of Texas. Corporate Respondent’s principal place of business is 9865 FM 2845, Lyford TX, 78569. Its business mailing address is P.O. Box 307, Raymondville, TX, 78580.
2. At all times material herein, Corporate Respondent was under the direction, management, and control of Individual Respondent and was:
 - a. Engaged in the business of a dealer buying and selling livestock in commerce; and
 - b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.
3. Porfirio Garcia, also known as “Fedo” Garcia (hereinafter “Individual Respondent”), is an individual with a business mailing address of P.O. Box 307, Raymondville, TX, 78580.
4. At all times material herein, Individual Respondent was:
 - a. Responsible for the direction, management, and control of Corporate Respondent;
 - b. President of Corporate Respondent;
 - c. Owner of 100% of the stock issued by Corporate Respondent; and
 - d. Registered Agent for Corporate Respondent.

5. Hereinafter, Corporate Respondent and Individual Respondent will be referred to as “Respondents.”

Conclusion

Respondents having admitted the jurisdictional facts, and the parties having agreed to the entry of this Consent Decision, such Consent Decision will be entered.

ORDER

Respondents Riata Cattle Company and Porfirio (a/k/a “Fedo”) Garcia, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are hereby assessed, jointly and severally, a civil penalty in the amount of fifteen thousand dollars (\$15,000). The civil penalty shall be paid in seven installments as follows:

1. All payments must be made by certified check or money order, must include the docket numbers of this proceeding, P&S Docket Nos. D-16-0044 and D-16-0045, and be payable to the “Treasurer of the United States.”
2. The first certified check or money order in the amount of three thousand dollars (\$3,000) shall be due immediately and sent, with a signed copy of this Consent to:

Elizabeth M. Kruman
Office of the General Counsel
U.S. Department of Agriculture, Room 2336-A, South Building
1400 Independence Avenue, SW.
Washington, D.C. 20250.

3. The remaining six payments in the amount of two thousand dollars (\$2,000) each shall be mailed monthly, starting April, 2016 and ending September, 2016, with sufficient first class postage to:

USDA – GIPSA, P.O. Box 790335, St. Louis, Missouri 63179

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become effective upon issuance (7 C.F.R. § 1.138).

Copies of this Consent Decision shall be served upon the parties.

Issued this 18th day of MARCH, 2016,
in Washington, D.C.

[REDACTED]

ADMINISTRATIVE LAW JUDGE
JANICE K BULLARD

[REDACTED]

ELIZABETH M. KRUMAN
Attorney for Complainant

[REDACTED]

RIATA CATTLE COMPANY, and
PORFIRIO GARCIA A/K/A FEDO GARCIA
Respondents

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Porfirio Garcia
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Raymondville, TX 78580

16-0045

PS Form 3800, August 2006

See Reverse for Instructions

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