

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P&S Docket No. 16-0141
) 16-0142
Alejandro Moreno & Nora Picazo)
d.b.a. Moreno Slaughter)
)
)
) Complaint
Respondents)

There is reason to believe that the Respondents named herein have willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §181 et seq.) (Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.) (Regulations), and, therefore, this complaint is issued alleging the following:

I.

(1) Respondents Alejandro Moreno and Nora Picazo, d.b.a. Moreno Slaughter are individuals doing business as Moreno Slaughter and whose mailing address is in the State of Colorado. The address will not be stated in the complaint to protect the privacy of Respondents, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purpose of service of this complaint.

(2) At all times material herein, Respondents were

(a) Engaged in the business of a dealer buying or selling livestock in commerce for their own account or as the employees or agents of the vendor or purchaser;

(b) Not registered with the Secretary of Agriculture as a dealer buying or selling livestock in commerce for their own account or as the employees or agents of the vendor or purchaser;

(c) Operating subject to the Act and the Regulations within the jurisdiction of the Secretary.

II.

In a Notice of Default (NOD) dated January 16, 2014, the Grain Inspection, Packers and Stockyards Administration (GIPSA) notified Respondents that they were engaging in activities subject to the Act, and that Respondents must register with the Secretary and obtain a bond or bond equivalent. The letter also notified Respondents that continuation of such livestock operations without a bond or bond equivalent is considered a violation of the Act and Regulations, and may subject them to disciplinary action under the Act. The NOD was served on Respondent Nora Picazo on January 18, 2014. Respondents submitted an application for registration to GIPSA on or about September 15, 2014. However, the application was not accepted by GIPSA because the Respondents failed to include evidence that a financial instrument had been obtained as required.

III.

Commencing on or about August 5, 2014, and continuing through about October 29, 2014, in approximately 13 transactions, Respondents engaged in the business of a dealer, by purchasing approximately 359 head of livestock in commerce on a dealer basis, totaling approximately \$46,898.27 and from approximately July 26, 2014, to approximately November 6, 2014, by selling at least approximately 51 head of livestock for approximately \$9,695.00 without filing and maintaining an adequate bond or bond equivalent.

Respondents purchased said livestock from Centennial Livestock Auction (CLA), in Fort Collins, Colorado, a posted stockyard under section 302 of the Act (7 U.S.C. § 202). Respondent sold said livestock on a dealer basis.

IV.

Respondents, in connections with their activities subject to the Act, during the times material herein, failed to maintain and keep such accounts, records and memoranda as to fully and correctly disclose all transactions in their business.

V.

By reason of the facts alleged in paragraph III herein, Respondents have 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).

By reason of the facts alleged in paragraphs IV herein, Respondents have willfully violated sections 312(a) and 401 of the Act (7 U.S.C. §§ 213(a) & 221) and have violated section 203.4 of the Regulations.

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondents for the purpose of determining whether Respondents willfully violated the Act. Respondents shall have twenty (20) days after receipt of this complaint in which to file an answer with the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250-9200, 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.). 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, requests:

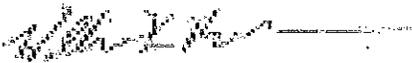
1. That unless Respondents fail to file an answer within the time allowed, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice; and
2. That such order or orders be issued including an order requiring Respondents to cease and desist from the violations of the Act and the Regulations found to exist, prohibiting Respondents from engaging in business in any capacity for which registration and bonding are required under the Act and the Regulations without properly registering and providing such bond, and assessing such civil penalties against Respondents as are authorized by the Act and warranted in the circumstances.

Done at Washington, D.C.

this 26th day of July, 2016

Susan B. Keith

Susan B. Keith
Deputy Administrator
Packers and Stockyards Program



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