

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

13-0061
11:05

In re:)
) P&S Docket No. 13-0061
)
)
) G & G Cattle Co., Inc.,
)
) Kenneth Garrett,
)
) Tim Garrett
)
)
) Respondents) Complaint

There is reason to believe that the respondents named herein have willfully violated the Packers & Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181 *et seq.*) and, therefore, this complaint is issued alleging the following:

I.

(a) Respondent G & G Cattle Co., Inc. was at all times material herein a corporation organized under the laws of the State of Texas, with its principal place of business and mailing address located at P.O. Box 505, Chireno, Texas, 75937-0505.

(b) Kenneth Garrett and Tim Garrett are individuals whose business mailing address is P.O. Box 505, Chireno, Texas, 75937-0505.

(c) Respondent G & G Cattle Co., Inc., under the direction, management, and control of Kenneth Garrett and Tim Garrett, was at all times material herein:

(1) Engaged in the business of a dealer buying and selling livestock in commerce for his own account; and

(2) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

(d) Respondent Kenneth Garrett was at all times material herein:

- (1) The president and 50% owner of G & G Cattle Co., Inc.; and
 - (2) Responsible for the direction, management and control of respondent G & G Cattle Co., Inc; and
 - (3) The *alter ego* of respondent G & G Cattle Co., Inc.
- (e) Respondent Tim Garrett was at all times material herein:
- (1) The vice president and 50% owner of G & G Cattle Co., Inc.; and
 - (2) Responsible for the direction, management and control of respondent G & G Cattle Co., Inc.; and
 - (3) The *alter ego* of respondent G & G Cattle Co., Inc..

II.

On November 30, 2010, GIPSA sent, via certified mail, a Notice of Violation (NOV) to the respondents. The NOV informed respondents that GIPSA had information indicating that on September 1, 2010, the respondents had engaged in livestock transactions in which they operated with inadequate bond, failed to pay for livestock by the close of the next business day, and failed to maintain adequate records. The letter referenced section 409 of the Act (7 U.S.C. § 228(b)), and notified the respondents of their obligation to correct their business practices. Kenneth Garrett acknowledged receipt of the letter on December 7, 2010.

III.

Respondents, on or about the dates and in the transactions set forth below, purchased livestock in commerce and failed to pay, when due, the full purchase price of such livestock purchases.

<u>PURCHASE DATE</u>	<u>PAYEE</u>	<u>GROSS INVOICEAMOUNT</u>
4/12/11	East Texas Livestock of Crockett, Inc. Crockett, Texas	\$25,817.51
4/13/11	Center Livestock Auction Co., Inc. Center, Texas	\$23,390.43
4/14/11	Nacogdoches Livestock Exchange, Inc. Nacogdoches, Texas	\$17,518.81
4/20/11	Center Livestock Auction Co., Inc. Center, Texas	\$14,834.34
4/21/11	Nacogdoches Livestock Exchange, Inc. Nacogdoches, Texas	\$16,309.31
4/23/11	Tri-County Livestock Market, Inc. New Summerfield, Texas	\$9,602.37
4/27/11	Center Livestock Auction Co., Inc. Center, Texas	\$18,793.67
4/28/11	Nacogdoches Livestock Exchange, Inc. Nacogdoches, Texas	\$17,423.61
5/3/11	East Texas Livestock of Crockett, Inc. Crockett, Texas	\$25,234.00
5/4/11	Center Livestock Auction Co., Inc. Center, Texas	\$18,111.69
5/9/11	Henderson Livestock Auction, Inc. Henderson, Texas	\$19,905.61
5/10/11	East Texas Livestock of Crockett, Inc. Crockett, Texas	\$12,310.53
5/11/11	Center Livestock Auction Co., Inc. Center, Texas	\$20,435.62
5/14/11	Tri-County Livestock Market, Inc. New Summerfield, Texas	\$17,756.95

<u>PURCHASE DATE</u>	<u>PAYEE</u>	<u>GROSS INVOICEAMOUNT</u>
5/16/11	Henderson Livestock Auction, Inc. Henderson, Texas	\$11,444.66
5/17/11	East Texas Livestock of Crockett, Inc. Crockett, Texas	\$19,597.49
5/18/11	Center Livestock Auction Co., Inc. Center, Texas	\$15,137.60

IV.

By reason of the facts alleged in paragraph II, the respondents have willfully violated section 312(a) and 409 of the Act (7 U.S.C. § 213(a) and 228b).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act, this complaint shall be served upon the respondents. The respondents 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 Ave., 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 will constitute an admission of all the material allegations of this complaint and a waiver of hearing.

The Grain Inspection, Packers and Stockyards Administration, Packers and Stockyards Program, requests:

(1) That unless the 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 accordance with the Rules of Practice; and

(2) That an order be issued requiring the respondents to cease and desist from the violations of the Act found to exist; suspending the respondents as registrants under the Act and prohibiting the respondents, for a specified period, from engaging in business in any capacity for which registration and bonding are required under the Act; and assessing civil penalties against the respondents in accordance with the Act and as warranted by the facts and circumstances of this case.

Done at Washington, D.C.

this 31 day of October, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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