

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Efren Saavedra, Jr., d/b/a
Ft. Worth & Company

Respondent

P&S Docket No D-10-0033

Decision by Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act), by an Amended Complaint filed November 19, 2009, by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondent willfully violated the Act and regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*). This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, 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. Efren Saavedra, Jr., d/b/a Fort Worth & Company, (Respondent Saavedra) is an individual whose business and mailing address is 7419 Via Serenita SW, Albuquerque, NM 87121.
2. At all times material to this Decision, Respondent Saavedra was a dealer, engaged in the business of buying and selling in commerce livestock, either on his own account or as the agent of the vendor or purchaser.
3. At all times material to this Decision, Respondent Saavedra operated as a dealer or a

market agency within the jurisdiction of the Secretary.

4. As of March 1, 2010, Respondent is registered and bonded with the Secretary as market agency buying on commission and providing clearing services, and Respondent is registered as a dealer buying and selling livestock.

Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, the decision will be entered.

Respondent, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from:

1. failing to pay, when due, the full amount of the purchase price of livestock as required by section 409 of the Act (7 U.S.C. § 228b), or
2. engaging in operations subject to the Act without registering with the Secretary or maintaining an adequate bond as required by 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).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of four thousand dollars (\$4,000).

The provisions of this order shall become final and effective on issuance.

Copies of this decision shall be served upon the parties.


Erek Saavedra, Jr.


Michael Alarid, Jr.
Attorney for Respondent


Jonathan Gordy
Attorney for Complainant

Done at Washington, D.C.
this 5th day of May, 2010


PETER M. DAVENPORT
Administrative Law Judge