

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re: JCO Livestock, LP,) P & S Docket No. 16- 0051
)
Eray Enterprises, Inc.,) P & S Docket No. 16- 0052
)
R. Renee Davis,) P & S Docket No. 16- 0053
)
and)
)
Jay Davis) P & S Docket No. 16- 0054
)
Respondent) Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181 *et seq.*), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Respondents JCO Livestock, LP, Eray Enterprises, Inc., R. Renee Davis, and Jay Davis (hereinafter Respondents) willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. §§ 201.1 *et seq.*). 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. § 1.138).

Respondents admit 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 consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

- a) JCO Livestock, LP (hereinafter Respondent JCO) is a limited partnership with a business address of PO Box 293, Montalba, TX 75853.
- b) Eray Enterprises, Inc. (hereinafter Respondent Eray) is a corporation with a business address of 770 ACR 2303, Montalba, TX 75853.
- c) R. Renee Davis (hereinafter Respondent R. Renee Davis) is an individual whose mailing address is in the State of Texas. The address will not be stated in this Consent Decision to protect the privacy of Respondent, but the address was previously provided to the Hearing Clerk's Office, United States Department of Agriculture.
- d) Jay Davis (hereinafter Respondent Jay Davis) is an individual whose mailing address is in the State of Texas. The address will not be stated in this Consent Decision to protect the privacy of Respondent, but the address was previously provided to the Hearing Clerk's Office, United States Department of Agriculture.
- e) At all times material herein, Respondent JCO, under the direction, management, and control of Respondents R. Renee Davis and Jay Davis, was:
 - 1. Engaged in the business of a dealer buying and selling livestock in commerce; and
 - 2. Registered and bonded with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.
- f) At all times material herein, Respondent Eray, under the direction, management, and control of Respondents R. Renee Davis and Jay Davis was:
 - 1. The general partner for JCO Livestock, LP.; and
 - 2. Engaged in the business of a dealer buying and selling livestock in commerce.

g) Respondent R. Renee Davis was at all times material herein:

1. President of Respondent Eray;
2. Registered Agent for Respondent JCO;
3. Engaged in the business of a dealer buying and selling livestock in commerce; and
4. Responsible, along with Respondent Jay Davis, for the direction, management, and control of Respondent JCO.

h) Respondent Jay Davis was at all times material herein:

1. Vice President of Respondent Eray;
 2. Engaged in the business of a dealer buying and selling livestock in commerce; and
- Responsible, along with Respondent R. Renee Davis, for the direction, management, and control of Respondent JCO.

Conclusion

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

Order

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

1. Failing to pay, when due, for livestock purchases;
2. Failing to issue scale tickets for the sale of livestock; and
3. Failing to maintain adequate records of business transactions

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are assessed a civil penalty in the amount of Sixteen-Thousand Five Hundred Dollars (\$16,500), to be held in abeyance indefinitely. It is the understanding of the parties that, if Respondents, their agents and

employees, directly or through any corporate or other device, in connection with his operations subject to the Act, commit any future violations of the Act, a request shall be made to have the abeyance lifted and Respondents will be made accountable jointly and severally for the entirety of the civil penalty.

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.

Copies of this decision and order shall be served upon the parties.

Done at Washington, D.C.

this 27th day of May, 2016

[Redacted Signature]

Chief Administrative Law Judge
Administrative Law Judge

[Redacted Signature]

R. Renee Davis
Respondent

[Redacted Signature]

Jay Davis
Respondent

May 19 2016

[Redacted Signature]

Matthew Scott Weiner
Attorney for Complainant

CERTIFICATE OF SERVICE

JCO Livestock, L.P.
Docket No. 16-0051

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct and this is to certify that a copy of the foregoing has been furnished and was served upon the following parties on May 27, 2016 by the following:

USDA (OGC) –Personal Pick-up
Matthew S. Weiner
Ada.Quick

Respondent(s) - Certified Mail (7005 1160 0002 7837 3372)
JCO Livestock, LP
P.O. Box 293
Montalba, TX 75853

Respectfully Submitted,



Reneé Leach-Carlos
Hearing Clerk
USDA/Office of Administrative Law Judges
Hearing Clerk's Office
1400 Independence Ave., SW, Room 1031-S
Washington, DC 20250-9203
Phone: 202-720-4443