

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	P&S Docket No. 13-0061
)	
G & G Cattle Co., Inc.,)	
Kenneth Garrett,)	
Tim Garrett)	
)	
Respondents)	Decision without Hearing
)	by Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act (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 G & G Cattle Co., Inc. Kenneth Garrett, and Tim Garrett violated the Act. This decision is entered pursuant to the consent decision provision of the rules of practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in paragraph 1 of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

(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 its 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.

Conclusions

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

Order

Respondents, 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 of livestock, as required by section 312(a) and 409 of the Act (7 U.S.C. § 213(a) and 228b).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondents are hereby assessed a civil penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective on the sixth (6th) day after service of this Consent Decision and Order on the respondents (7 C.F.R. § 1.138).

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

[Redacted signature]

Kenneth Garrett
Respondent

11 / 28 / 2012
Date

[Redacted signature]

Tim Garrett
Respondent

11 / 28 / 2012
Date

[Redacted signature]

Lisa Jabaily
Attorney for Complainant

11 / 28 / 2012
Date

Done at Washington, D.C.

this 30 day of December 2012



Administrative Law Judge