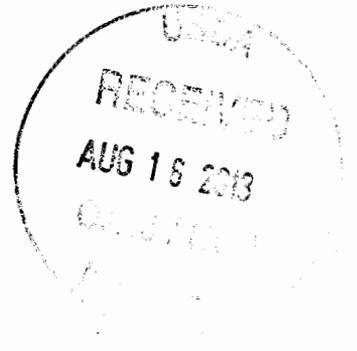


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)
) P&S Docket No. 12-0583
)
)
Celivo "Nick" Farinelli, d.b.a.)
)
Farinelli Enterprises and)
)
Wild Rose Ranch,)
)
)
Respondent) Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), by a Complaint and Notice of Hearing filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that respondent Celivo "Nick" Farinelli, d.b.a. Farinelli Enterprises and Wild Rose Ranch, willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). 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).

The respondent admits the jurisdictional allegations in paragraph I of the Complaint and Notice of Hearing 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.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Celivo "Nick" Farinelli, doing business as Farinelli Enterprises and Wild Rose Ranch, is an individual with a business mailing address of P.O. Box 465, Le Grand, CA 95333.

2. Respondent is, and at all times material herein was:

(a) Engaged in the business of buying livestock in commerce for the purposes of slaughter; and

(b) A packer within the meaning of and subject to the provisions of the Act.

Conclusions

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

Order

Respondent Celivo "Nick" Farinelli, doing business as Farinelli Enterprises and Wild Rose Ranch, his agents and employees, successors and assigns, directly or indirectly through any corporate or other device, in connection with its activities subject to the Act, shall cease and desist from:

(1) Failing to pay for livestock purchases the full amount of the purchase price for such livestock within the time period required by section 409 of the Act (7 U.S.C. § 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43); and

(2) Issuing checks in payment for livestock purchases without having and maintaining sufficient funds on deposit and available in the accounts upon which they are drawn to pay such checks when presented.

In accordance with section 203 of the Act (7 U.S.C. § 193), respondent is assessed a civil penalty in the amount of two thousand dollars (\$2,000.00). The two thousand dollar (\$2,000.00) civil penalty will be held in abeyance, in accordance with the terms of the "Understanding Regarding Consent Decision" entered between the parties. The two thousand dollars (\$2,000) held in abeyance will be set aside upon successful compliance with the terms of this Order and the "Understanding Regarding Consent Decision."

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 day after service of this consent decision and order on the respondent.

Copies of this decision shall be served upon the parties.


Celivo "Nick" Farinelli, d.b.a.
Farinelli Enterprises and Wild Rose Ranch
Respondent


for Lauren C. Axley
Attorney for Complainant

Done at Washington, D.C.

this 16th day of August, 2013



Peter M. Davenport
Chief Administrative Law Judge