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WASH, DC

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
El Paso Cattle II, LP,	)	Docket No._____ (P & S) 15-0035
	)	
John K. Hudgens,	)	Docket No._____ (P & S) 15-0036
	)	
and	)	
	)	
James D. Hudgens,	)	Docket No._____ (P & S) 15-0037
	)	
Respondents.	)	Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Packers and Stockyards Act), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201 *et seq.*), hereinafter referred to as the "regulations" 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 the Respondents willfully violated the Packers and Stockyards Act and the regulations promulgated thereunder. Complainant and respondents have agreed to entry of this Decision, without hearing or further procedure, pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

The respondents admit the jurisdictional allegations in paragraph I 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.

Findings of Fact

(1) Respondent, El Paso Cattle II, LP is a domestic limited partnership organized and existing under the laws of the State of Texas, with a principal place of business mailing address of P.O. Box 1530, Canutillo, Texas 79835. The registered agent for service of process on Respondent El Paso Cattle II, LP is A. Douglas Brock, 7350 Remcon Circle, El Paso, Texas 79912.

(2) At all times material herein, Respondent El Paso Cattle II, LP was:

(a) Engaged in the business of a dealer, as that term is defined and used in the Act and the regulations promulgated thereunder.

(b) Registered with the Secretary of Agriculture as a dealer, as that term is defined and used in the Act and the regulations promulgated thereunder.

(c) Respondent also does business under the name of El Paso Cattle I, LLC and El Paso Cattle Company, Inc.

(3) Respondent John K. Hudgens is an individual. The Respondent's business mailing is P. O. Box 1530, Canutillo, Texas 79835.

(4) At all times material herein, Respondent John K. Hudgens was:

(a) Engaged in the business of a dealer, as that term is defined and used in the Act and the regulations promulgated thereunder;

(b) President, Partner, Member of Respondent El Paso Cattle II, LP;

(c) Forty-nine and half percent (49.5) owner of Respondent El Paso Cattle II, LP; and

(d) Responsible for the day to day direction, management, and control of Respondent El Paso Cattle II, LP, including the acts and practices referred to in this complaint.

(5) Respondent James D. Hudgens is an individual. The Respondent's business mailing is P. O. Box 1530, Canutillo, Texas 79835.

(6) At all times material herein, Respondent James D. Hudgens was:

(a) Engaged in the business of a dealer, as that term is defined and used in the Act and the regulations promulgated thereunder;

(b) Vice President, Partner, Member of Respondent El Paso Cattle II, LP;

(c) Forty-nine and half percent (49.5) owner of Respondent El Paso Cattle II, LP; and

(d) Responsible for the day to day direction, management, and control of Respondent El Paso Cattle II, LP, including the acts and practices referred to in this complaint.

(6) Respondent El Paso Cattle II, LP, Respondent John K. Hudgens and Respondent James D. Hudgens shall collectively be referred to herein as "Respondents".

Conclusions

Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this Consent Decision, this Consent Decision will be entered.

Order

Respondent El Paso Cattle II, LP, its officers, directors, agents and employees, successor and assigns; and respondents John K. Hudgens and James D. Hudgens, their agents and employees, directly or through any device, in connection with Respondents' activities subject to the Packers and Stockyards Act, shall cease and desist from purchasing livestock in commerce and failing to pay, when due, the full purchase price of such livestock as prescribed by sections 312(a) and 409 of the Packers and Stockyards Act (7 U.S.C. §§ 213(a) and 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

In accordance with section 312(b) of the Packers and Stockyards Act (7 U.S.C. § 213(b)), respondents are hereby, jointly and severally, assessed a civil penalty of fifteen thousand dollars ($15,000.00). The assessed civil penalty shall be immediately due and payable.

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 upon on the sixth (6th) day after service of this Consent Decision and Order on the respondents.

El Paso Cattle, II, LP
By: James D. Hudgens-Owner/Manager
Respondent

El Paso Cattle, II, LP
By: John K. Hudgens-Owner/Manager
Respondent

JAMES D. HUDGENS
Respondent

JOHN K. HUDGENS
Respondent

DARLENE M. BOLINGER
Attorney for Complainant

Done at Washington, D.C.,
this 5 Day of Dec, 2014

Jill A. Clift for
Janice K. Bullard
Administrative Law Judge

ORIGINAL

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
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El Paso Cattle II, LP,	)	Docket No. (P & S) 15-0035
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John K. Hudgens,	)	Docket No. (P & S) 15-0036
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James D. Hudgens,	)	Docket No. (P & S) 15-0037
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Respondents.	)	Consent Decision

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The respondents admit the jurisdictional allegations in paragraph I 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.

Findings of Fact

(1) Respondent, El Paso Cattle II, LP is a domestic limited partnership organized and existing under the laws of the State of Texas, with a principal place of business mailing address of P.O. Box 1530, Canutillo, Texas 79835. The registered agent for service of process on Respondent El Paso Cattle II, LP is A. Douglas Brock, 7350 Remcon Circle, El Paso, Texas 79912.

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Conclusions

Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this Consent Decision, this Consent Decision will be entered.

Order

Respondent El Paso Cattle II, LP, its officers, directors, agents and employees, successor and assigns; and respondents John K. Hudgens and James D. Hudgens, their agents and employees, directly or through any device, in connection with Respondents' activities subject to the Packers and Stockyards Act, shall cease and desist from purchasing livestock in commerce and failing to pay, when due, the full purchase price of such livestock as prescribed by sections 312(a) and 409 of the Packers and Stockyards Act (7 U.S.C. §§ 213(a) and 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

In accordance with section 312(b) of the Packers and Stockyards Act (7 U.S.C. § 213(b)), respondents are hereby, jointly and severally, assessed a civil penalty of fifteen thousand dollars ($15,000.00). The assessed civil penalty shall be immediately due and payable.

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 upon on the sixth (6th) day after service of this Consent Decision and Order on the respondents.

El Paso Cattle, II, LP

By: James D. Hudgens-Owner/Manager
Owner/Manager

Respondent

[redacted]

El Paso Cattle, II, LP

By: John K. Hudgens-

Respondent

JAMES D. HUDGENS

Respondent

[redacted]

JOHN K. HUDGENS

Respondent

DARLENE M. BOLINGER
Attorney for Complainant

[redacted]

Done at Washington, D.C.,

this 5 Day of Dec ,
2014

[redacted] for
Janice K. Bullard