

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:

P&S Docket No D-07-0146

Bob Evans Farms, Inc.,

Respondent

Decision Without Hearing by
Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) ("Act"), by a Complaint and Notice of Hearing filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Bob Evans Farms, Inc. wilfully violated the Act. 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 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.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Bob Evans Farms, Inc. (“Respondent”) is a publicly traded corporation incorporated in Delaware whose corporate headquarters is located in the state of Ohio and whose business address is 3776 South High Street, Columbus, OH 43207.
2. Respondent, at all times material to this complaint, was:
 - a. engaged in the business of purchasing livestock in commerce for the purpose of slaughter and of manufacturing or preparing meats or meat food products for sale or shipment in commerce; and
 - b. a packer within the meaning of and subject to the provisions of the Act.

Conclusions

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

Order

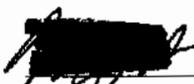
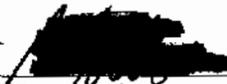
Respondent, its agents and employees, directly or through any corporate or other device, in connection with its activities subject to the Act, shall cease and desist from failing to pay when due for livestock, and shall purchase livestock according to the provisions outlined in the Understanding Regarding Consent Decision entered into by the parties.

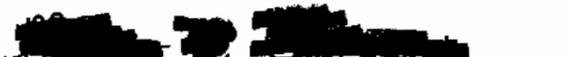
The provisions of this order shall become final and effective upon issuance.

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.

this 3rd day of August, 2009

 
Administrative Law Judge


for Bob Evans Farms, Inc.
Respondent


Attorney for Respondent


Jonathan D. Gordy
Attorney for Complainant