

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-09-0136
)
Sioux-Preme Packing Co., Inc., d/b/a)
Sioux-Preme Pork Products, Ltd.,)
) Decision Without Hearing
Respondent) 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.*) (hereinafter referred to as the "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 Respondent willfully 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 1 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. Sioux-Preme Packing Co., Inc., d/b/a Sioux-Preme Pork Products, Ltd., (hereinafter, "Respondent") is a corporation organized and existing under the laws of the State of Iowa. Respondent's address is 4241 U.S. 75 Avenue, Sioux Center, Iowa 51250.
2. Respondent is, and at all times material herein was:
 - (a) Engaged in the business of buying livestock in commerce for purposes of slaughter;
 - (b) Engaged in the business of slaughtering hogs and manufacturing or preparing meat or meat products for sale or shipment in commerce; and
 - (c) A packer within the meaning of and subject to 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 Sioux-Preme Packing Co., Inc., d/b/a Sioux-Preme Pork Products, Ltd., its agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from failing to comply with 9 C.F.R. § 201.71 of the regulations and the applicable requirements contained in the General Code, Scale Code, and Weights Code of the 1996 edition of National Institute of Standards and Technology Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices." ("Handbook 44") which is incorporated in 9 C.F.R. § 201.71 by reference.

In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent Sioux-Preme Packing Co., Inc., d/b/a Sioux-Preme Pork Products. Ltd. is assessed a civil penalty in the amount of Eleven Thousand Dollars (\$11,000.00).

The provisions of this order shall become effective on the sixth day after service of this order on the Respondent.

Copies of this decision shall be served upon the parties.


Gary Malenke, President
Sioux-Preme Packing Co., Inc.


Eric D. Brandfonbrener
Attorney for Respondent


Charles L. Kendall
Attorney for Complainant

Issued this 17th day of August, 2009


Administrative Law Judge