

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 12-0072

In re: MOHAMMAD S. MALIK and
KIRAN ENTERPRISES INC., d.b.a.
TRENTON HALAL MEAT PACKING CO.,

Respondents

**DECISION WITHOUT HEARING BY ENTRY
OF DEFAULT AGAINST RESPONDENTS**

Preliminary Statement

The instant matter involves a disciplinary proceeding filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, of the United States Department of Agriculture (“USDA”; “Complainant”).

Procedural History

On November 17, 2011, Complainant USDA filed a Complaint against Mohammad S. Malik and Kiran Enterprises, Inc., d/b/a Trenton Halal Meat Packing Company (“Respondents”), alleging violations of the Packers and Stockyards Act of 1921, as amended, 7 U.S.C. § 181 et seq. (“the Act”). The Hearing Clerk, Office of Administrative Law Judges (“OALJ”; “Hearing Clerk”) served the complaint on Respondents by certified mail, acknowledged on November 21, 2011.

Respondents failed to file an Answer within the time provided by the Rules of Practice applicable to adjudications before OALJ (“the Rules”). 7 C.F.R. § 1.136. On December 20, 2011, Complainant moved for entry of Decision by reason of Default. The Hearing Clerk served the motion on Respondents by certified mail, acknowledged on December 23, 2011.

Respondents have failed to file an opposition to Complainant's motion. None of the correspondence served on Respondents was returned as undeliverable.

Discussion

Respondents have failed to timely file an Answer or otherwise respond to Complainant's pleadings in this matter within the time set forth by 7 C.F.R. § 1.136. Accordingly, pursuant to 7 C.F.R. § 1.136 (c), entry of Default is appropriate.

Findings of Fact

1. Respondent Mohammad S. Malik is an individual who is President and fifty percent owner of Respondent Kiran Enterprises, Inc., d/b/a Trenton Halal Meat Packing Co.
2. Kiran Enterprises, Inc., is a corporation organized and existing under the laws of the State of New Jersey, and Respondents' business mailing address is 610 Roebling Avenue, Trenton, New Jersey.
3. Respondents at all times material herein:
 - (a) Engaged in the business of buying livestock in commerce for the purposes of slaughter and manufacturing or preparing meats or meat products for sale or shipment in commerce; and
 - (b) Operated as a packer within the meaning of and subject to the Provisions of the Act.
 - (c) On or about the dates and in the transactions set forth in Appendix A, affixed hereto, Respondents purchased livestock and failed to pay, when due, the full purchase price of such livestock.

Conclusions of Law

By failing to make full payment promptly, Respondents have willfully violated sections 202(a) and 409 of the Act (y U.S.C. §§ 192(a) and 228b).

ORDER

Respondents, their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and desist from failing to pay, within the time period required by the Act, the full purchase price of livestock as required by section 409 of the Act (7 U.S.C. § 228b).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are hereby assessed a civil penalty of \$31,600.00.

Pursuant to the Rules of Practice, this Decision and Order shall become final and effective without further proceedings 35 days after the date of service upon Respondents, unless it is appealed to the Judicial Officer by a party to the proceeding within thirty (30) days after service, pursuant to the Rules, 7 C.F.R. §§1.139 and 1.145.

Copies of this Decision and Order together with Appendix A shall be served upon the parties by the Hearing Clerk.

So ORDERED this 23rd day of January, 2012 at Washington, D.C.

Janice K. Bullard
Administrative Law Judge