

USDA
CALI/OHC

UNITED STATES DEPARTMENT OF AGRICULTURE

2013 FEB 15 PM 1:44

BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:) P & S Docket No. 13-0117
)
Central Beef Industries, LLC)
)
)
)
)
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.*), hereinafter referred to as the "Act," and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*), hereinafter referred to as the "regulations" 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 willfully violated the Act and the regulations. This decision is entered pursuant to the consent decision provisions 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 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

(a) Respondent Central Beef Industries, LLC is a limited liability company organized under the laws of the State of Florida with its principal place of business located at 571 West Kings Highway, Center Hill, Florida 33514. Its mailing address is P.O. Box 399, Center Hill, Florida 33514.

(b) Central Beef Industries is, and at all times material herein was:

(1) Engaged in the business of buying livestock in commerce for the purpose of slaughter; and

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

(c) Central Beef Industries average annual purchases of livestock exceeds \$500,000.

(d) Marshall M. Chernin, Managing Member and majority owner of Central Beef Industries, LLC died on December 11, 2012.

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 Central Beef Industries, LLC, its agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

In accordance with section 203(b) of the Act (7 U.S.C. §193(b)), Respondent Central Beef Industries, LLC is assessed a civil penalty in the amount of twenty-two thousand dollars (\$22,000.00).

This Order shall have the same force and effect as if entered after full hearing. The provisions of this order shall become 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.

Respondent Central Beef Industries, LLC

By 

ADAM CHERNIN
Respondent



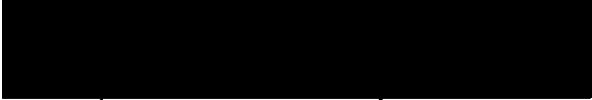
JONATHAN J. ELLIS
Attorney for Respondent



DARLENE M. BOLINGER
Attorney for Complainant

Done at Washington, D.C.

this 20th day of February, 2013



Administrative Law Judge