

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:)
) P&S Docket No. 14-0080
)
) T&J Meat Packing, Inc.,)
)
) Respondent) Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §§ 181 et seq.), 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 respondent T&J Meat Packing, Inc., willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. §§ 201.1 et seq.). This decision is entered pursuant to the consent decision provision 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

1. Respondent T & J Meat Packing, Inc., is a corporation organized and existing under the laws of the State of Illinois and has a mailing address of 635 Glenwood-Dyer Road, Chicago Heights, Illinois 60411.

2. Respondent was, at all times material herein, engaged in the business of a packer buying livestock in commerce for purposes of slaughter.

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 T &J Meat Packing, Inc., its agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from failing to pay livestock dealers or their duly authorized representatives the full amount of the purchase price for livestock before the close of the next business day following each purchase of livestock, as required by sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a) and 228b).

Respondent shall cease and desist from purchasing livestock on credit unless respondent enters into credit agreements with the sellers of livestock that comply with the requirements of the Act and regulations.

Within 30 days from the effective date of this Consent Decision and Order, respondent shall terminate any and all credit agreements with livestock sellers that do not comply with the requirements of the Act and section 201.200 of the regulations (9 C.F.R. § 201.200). Any subsequent agreements for the purchase of livestock on credit must comply with the requirements of the Act and section 201.200 of the regulations (9 C.F.R. § 201.200).

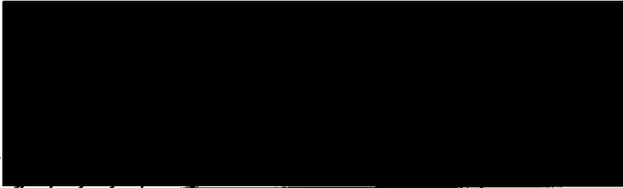
In accordance with section 203 of the Act (7 U.S.C. § 193), respondent is hereby assessed a civil penalty in the amount of sixteen thousand five hundred dollars (\$16,500.00). Respondent shall send a certified check or money order for eight thousand two hundred and fifty dollars

(\$8,250.00), payable to the “United States Department of Agriculture”, to the U.S. Department of Agriculture, Room 2319 South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250-1400, along with this signed consent decision and order, to be received by complainant on or before July 15, 2014. The certified check or money order shall include the docket number of this proceeding, P&S Docket No. 14-0080, in the memo section of the certified check or money order. The remaining eight thousand two hundred and fifty dollars (\$8,250.00) shall be paid by certified check or money order, payable to the “United States Department of Agriculture”, in six (6) monthly installments of one thousand three hundred and seventy-five dollars (\$1375.00) each. Each installment payment shall include the docket number of this proceeding, P&S Docket No. 14-0080, in the memo section of the certified check or money order and shall be mailed in an envelope with sufficient first class postage to USDA GIPSA, P.O. Box 790335, St. Louis, Missouri 63179-0335. The first installment payment shall be received by complainant at the St. Louis, Missouri address on or before August 1, 2014, and the remaining five (5) installment payments shall be received successively by complainant at the same address on or before the first day of each month thereafter until the sixteen thousand five hundred dollar (\$16,500.00) civil penalty is paid in full.¹

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.

¹ Per this payment plan, the final installment payment of one thousand three hundred and seventy-five dollars (\$1375.00) shall be received, and the civil penalty of sixteen thousand five hundred dollars (\$16,500.00) shall be paid in full, on or before January 1, 2015.


T&J Meat Packing, Inc.
Respondent


Burton A. Padove, Esq.
Attorney for Respondent


Thomas N. Bolick
Attorney for Complainant

Done at Washington, D.C.

this 18th day of July, 2014


Administrative Law Judge