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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	Docket No. 19-J-0143
	)	(FMIA) 19-J-0144
	)	
Captain Hook's Cajun Seafood LLC,	)	
and Lily M. Chapman	)	
	)	
	)	
Respondents	)	Consent Decision and Order

This proceeding was instituted under the Federal Meat Inspection Act (FMIA), as amended (21 U.S.C. § 601 et seq.), and the applicable rules of practice (7 C.F.R. § 1.130 et seq. and 9 C.F.R. § 500.1 et seq.) to refuse Federal inspection services to Captain Hook's Cajun Seafood LLC ("Respondent Hook" or "Hook") and Ms. Lily M. Chapman ("Respondent Chapman"). This proceeding was commenced by a complaint filed by the Administrator of the Food Safety and Inspection Service (FSIS), United States Department of Agriculture (USDA). The parties have agreed that this proceeding should be terminated by entry of this Consent Decision and Order (Order) set forth below, pursuant to the consent decision provisions of the Rules of Practice (7 C.F.R. § 1.138).

Respondents admit the findings of fact, as set forth herein, and specifically admit that the Secretary has jurisdiction in this matter. Respondents neither admit nor deny the remaining allegations and waive oral hearing and further procedure. Respondents and their owners, officers, directors, partners, successors, assigns, and affiliates waive any claim against the Complainant under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) and waive any other action against USDA or its employees in connection with this proceeding and the facts and events that gave rise to the proceeding. The Respondents consent and agree, 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. Respondent Hook is now, and at all times material herein, a limited liability company located at 119 Up the Bayou Road, Des Allemands, Louisiana, 70030.

2. Respondent Chapman, an individual, is the owner of Hook and is responsible for the management and oversight of its activities. Respondent Chapman's home address is in the State of Louisiana. In order to protect the personal privacy of Respondent Chapman, her address is not included in this Complaint but has been provided to the Hearing Clerk for the purpose of effectuating service of process.

3. On May 7, 2019, Respondent Hook submitted FSIS Form 5200-2 (Application for Federal Inspection) to FSIS requesting Federal inspection services for Hook under the FMIA, listing Respondent Chapman in block 22 as the person responsibly connected to the applicant.

4. On January 21, 2014, in Houma, Louisiana, Respondent Chapman pled guilty to, and was convicted of, one felony count for Monetary Instrument Abuse.

Conclusion

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

Order

Federal meat inspection services under Title I of the FMIA are refused to the Respondents and their owners, officers, directors, partners, successors, affiliates and assigns, directly or through any business or other device, for a period of two (2) years, beginning on the effective date of this Order. However, said refusal shall be held in abeyance and Federal inspection services shall be provided to Respondents, pursuant to a conditional grant of Federal inspection, for so long as the statutory and regulatory requirements for applicable inspection services and all terms and conditions of this Order set forth below are met and maintained.

Ethics Training and Standards of Conduct Policy and Program

1. Within ninety (90) days of the effective date of this Order, Respondent Chapman shall participate in and successfully complete a training program(s) or educational course(s) encompassing ethical business practices. Prior to participating in such course(s), Respondent Chapman shall submit a detailed description of the proposed training course(s) for concurrence by the Director, ELD, or designee. Respondents shall maintain for the duration of this Order records documenting the successful completion of such training and shall make those records available upon request to any FSIS program personnel.

2. Within ninety (90) days of the effective date of this Order, Respondents shall develop and submit for review and concurrence by the Director, ELD, a Standards of Conduct Policy and Program to include, at a minimum: (i) a statement of Hook's commitment and a commitment of their officers, managers, and employees not to condone nor tolerate any illegal activities at Hook by plant officers, managers, or employees; (ii) a statement of assurance as to the safety and non-interference with, and non-intimidation of, FSIS personnel; (iii) a statement of Hook's commitment to maintain a safe work environment where mutual respect and the ability to work together productively are supported and precludes any acts of assault, threats of assault, intimidation, resistance, or interference; (iv) a statement of Hook's commitment to promote communications and exchanges between Hook's officers, managers, and employees and FSIS personnel that are professional, respectful, business like, non-threatening, and non-offensive in gender or ethnicity; (v) a statement of Hook's policy addressing ethics and public trust; (vi) a statement of Hook's commitment to comply with all Federal and State food safety and other laws in the conduct of their business; (vii) guidelines for Hook's officers, managers, and employees to follow with respect to food safety and ethics issues; and (viii) measures for Hook's officers, managers, and employees to report alleged violations of food safety, compliance, or ethics issues, or violations of Hook's policies, to Hook's officers or managers, without fear of reprisal and for Hook to document and address reported allegations.

3. The Standards of Conduct Policy and Program shall be permanently displayed in a prominent location in Hook's Federal establishment and shall be provided to and discussed with all

current and future officers, managers, and employees, and shall require written acknowledgement by each individual of receipt, discussion, understanding, and adherence to the policy and program.

Food Safety and Compliance Provisions

4. Within six (6) months of the effective date of this Order, Respondent Chapman shall participate in and successfully complete a training program(s) or educational course(s) encompassing compliance with applicable State and Federal statutes and regulations pertaining to the processing of fish products. Prior to participating in such course(s), Respondent Chapman shall submit a detailed description of the proposed training course(s) for concurrence by the Director, ELD, or designee. Respondents shall maintain for the duration of this Order records documenting the successful completion of such training and shall make those records available upon request to any FSIS program personnel.

Recordkeeping Provisions

5. Respondents shall maintain full, complete, and accurate written records of all business activities involved in their Federally-inspected operations, including, but not limited to, the maintenance of SSOP and HACCP records. Respondents shall make these records available for review and copying upon request of any authorized representative of the Secretary.

General Provisions

6. Respondents shall maintain compliance with relevant sanitation, food safety programs, process controls regulations, and all other applicable requirements, including, but not limited to, Sanitation Performance Standards (SPS), Sanitation Standard Operating Procedures (SSOP), Hazard Analysis and Critical Control Point (HACCP), and product Recall Procedures, as specified in 9 C.F.R. Parts 416, 417, and 418.

7. Respondents and their officers, directors, partners, employees, agents, affiliates, successors, and assigns shall not:

a. violate any section of the FMIA or any regulations promulgated thereunder, or state or local statutes involving the preparation, sale, transportation, distribution or attempted distribution of any Siluriformes Fish products;

b. commit any felony or fraudulent act or other criminal act involving fraud, conspiracy, bribery, or any other act or circumstances indicating a lack of integrity needed for the conduct of operations affecting public health;

c. willfully make or cause to be made any false entry into any accounts, records, reports, or memoranda kept by Respondents in compliance with Federal, State or local statutes or regulations or this Order; neglect or fail to make full, true, and correct entries in such accounts, records, reports or memoranda; and fail to keep such accounts, records, reports or memoranda that fully and correctly disclose all transactions in the Respondents' business;

d. assault, intimidate, impede, threaten or interfere with any FSIS program employee in the performance of his or her official duties under the FMIA, or regulations promulgated thereunder; and

e. conduct any operation requiring Federal inspection outside the official hours of operations without first submitting a written request to, and receiving written approval from, FSIS.

8. Respondents shall not knowingly hire or add any new individual who has been convicted in any Federal or State court, of any felony or more than one misdemeanor based upon the acquiring, handling, or distribution of unwholesome, mislabeled, or deceptively packaged food, or based upon fraud in connection with transactions in food. Respondents shall immediately terminate their connection with any such individual when that individual's conviction becomes known to Respondent.

9. Respondents shall fully and completely cooperate with any FSIS investigation, inquiry, review, or examination of Respondent's compliance with the FMIA or this Order.

Corporate Reporting to FSIS

10. Respondents shall provide an annual report to the Director, ELD regarding Respondents' compliance with all terms and conditions of this Order.

Implementation

11. Respondents shall implement the policies and programs required by this Order, require strict adherence on the part of all current and future officers, managers, and employees, and take and document corrective action, including disciplinary action, when necessary.

Enforcement Provisions

12. The Administrator, FSIS, shall have the right to summarily withdraw inspection services upon a determination by the Director, ELD, or his or her designee, that one or more conditions set forth in paragraphs 1 through 11 of this Order have been violated. It is acknowledged that Respondents retain the right to request an expedited hearing pursuant to the rules of practice, 9 C.F.R. Part 500, concerning any violation alleged as the basis for a withdrawal of inspection services. This does not affect complainant's right to suspend official operations in accordance with the rules of practice, 9 C.F.R. Part 500. Nothing in this Order shall preclude the referral of any such violation to the Department of Justice for possible criminal or civil proceedings, or preclude the Administrator from taking other appropriate administrative action under the FMIA, and the regulations promulgated thereunder.

13. If any provision of this Order is declared invalid, such declaration shall not affect the validity of any other provision herein.

14. This Order shall be considered issued on the date that an Administrative Law Judge signs it but shall become effective on the date that the conditional grant of Federal inspection services is issued to Respondents.

15. This Order shall expire two (2) years from the date on which the conditional grant of Federal inspection services is issued to Respondents.

[redacted]

Lily M. Chapman, Owner
Captain Hook's Cajun Seafood LLC.

[redacted]

Scott C. Safian, Director
Enforcement and Litigation Division
Food Safety Inspection Service
U.S. Department of Agriculture

[redacted]

Matthew Weiner
Attorney for Complainant
U.S. Department of Agriculture
Office of the General Counsel

Issued this 28th day of August 2019
at Washington, D.C.

[redacted]

Administrative Law Judge

Chief
Channing D. Strother