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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
King Meat Service, Inc.,	)	FMIA/PPIA Docket No. 20-J-0004
	)	
Bai Zhi Yan, and	)	FMIA/PPIA Docket No. 20-J-0005
	)	
Lianjie Kitty Jiang	)	FMIA/PPIA Docket No. 20-J-0006
	)	
Respondents	)	CONSENT DECISION AND ORDER

This proceeding was instituted under Title I of the Federal Meat Inspection Act (FMIA), as amended (21 U.S.C. § 601 et seq.), the Poultry Products Inspection Act (PPIA), as amended (21 U.S.C. § 451 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 withdraw Federal inspection services from King Meat Service, Inc., (hereinafter, "Respondent Corporation"). 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 the Consent Decision and 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 admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, waives all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waives any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by Respondents in connection with this proceeding or any action against any USDA employee in their individual capacity.

Complainant agrees to the entry of this Consent Decision and Order.

Findings of Fact

1. Respondent Corporation is a small processing plant that is located at 4215 Exchange Avenue, Vernon, CA 90058.

2. Respondent Corporation is a recipient of federal meat and poultry inspection services at its facility in Vernon, CA, designated as Official Establishment No. M426/P17065.

3. On September 25, 2018, in the United States District Court for the Central District of California, Golden Key Food, Inc. (dba "AA Meat Products, Corp.") was convicted of one felony count involving the FMIA; specifically, for offering to sell misbranded meat and meat food products with the intent to defraud.

4. On September 25, 2018, in the United States District Court for the Central District of California, Mr. Bai Zhi Yan (hereinafter, "Respondent Yan") was convicted on two misdemeanor counts involving the FMIA and PPIA; specifically, for the sale of misbranded meat or meat food products and poultry or poultry products in commerce.

5. On September 25, 2018, in the United States District Court for the Central District of California, Ms. Lianjie Kitty Jiang (hereinafter, "Respondent Jiang") was convicted on two misdemeanor counts involving the FMIA and PPIA; specifically, for the sale of misbranded meat or meat food products and poultry or poultry products in commerce.

6. Respondent Corporation is named in the Compliance Program (Exhibit A) that was instituted as part of the plea agreement for Golden Key Food, Inc. (dba "AA Meat Products, Corp.").

7. Respondent Yan and Respondent Jiang are responsibly connected to Respondent Corporation.

Conclusion

The Respondents having admitted the jurisdictional facts and the parties having agreed to the provision set forth in the following Consent Decision and Order, the following Order will be issued.

Order

Federal meat and poultry inspection services under the FMIA and PPIA are withdrawn from Respondent Corporation and its owners, officers, directors, partners, successors, affiliates, and assigns, directly or through any business or other device beginning on the effective date of this Order. However, the withdrawal of inspection services shall be held in abeyance, and Federal meat and poultry inspection services shall be provided to Respondent Corporation, pursuant to a conditional grant of inspection, for so long as the conditions set forth below, in addition to all other requirements to maintain meat and poultry inspection services under the FMIA and PPIA, are met. The Order will expire five (5) years from September 25, 2018.

Conditions

1. Within 15 calendar days of execution of this Order, Respondent Corporation shall provide the Director, Enforcement and Litigation Division of Investigation, Enforcement and Audit (hereinafter, the "Director") a written outline of the establishment's management structure, including the names of the management personnel designated to assigned roles and the specific duties and responsibilities associated with the role.

2. Within 30 calendar days of execution of this Order, Respondent Corporation shall submit to the District Manager, FSIS, Office of Field Operations, Alameda District Office (hereinafter, the "District Manager"), an updated application for Federal (meat, poultry, Siluriformes fish, egg products, and/or import) inspection (FSIS Form 5200-2). Said application shall update, as applicable, all required information, including, but not limited to, applicant information, establishment information, types of operations (identifying all HACCP categories and associated products intended to be slaughtered, processed, and otherwise produced), and responsible persons information (identifying name, title, contact, prior convictions, and other required information) for all management officials required by this Order and for all other partners, officers, directors, holders, or owners of 10 percent or more voting stock, or employees in a managerial or executive capacity. Further, Respondent Corporation shall resubmit an updated application for Federal (meat, poultry, Siluriformes fish, egg products, and/or import) inspection

(FSIS Form 5200-2) to the District Manager within 15 calendar days of any change to required information prescribed above for the duration of this Order.

Training and Corporate Code of Conduct

3. Within ninety (90) calendar days from the effective date of this Order, Respondent Yan and Respondent Jiang will participate in and successfully complete a training program or educational course encompassing ethical business practices. This training course must be approved, in advance, by the Director. Respondent Corporation shall maintain for the duration of the Order, records documenting the completion of such training and shall make these records available upon request to any authorized representative of the Secretary.

4. Within sixty (60) calendar days from the effective date of this Order, Respondent Corporation shall develop and submit for review, and concurrence, of the Director, a business code or policy statement of the business conduct, and ethics, to ensure food safety, and regulatory compliance, in business practices ("Business Code") applicable to all business entities, and individuals within or employed by Respondent Corporation. The Business Code, at minimum, shall include:

a. a statement of company policy addressing business ethics and the public trust;

b. a statement of the Respondent Corporation's commitment to comply with all applicable Federal and State food safety and other laws in the conduct of their business;

c. guidelines for the Respondent Corporation's employees to follow with respect to food safety and ethics issues; and,

d. assurances to preclude any acts of intimidation, harassment, assault, or interference of USDA program employees.

5. The Business Code shall be permanently displayed in a prominent location in Respondent Corporation's establishment and shall be discussed with all current and new employees.

Compliance Program

6. Upon the effective date of this Order, Respondent Corporation shall continue to implement and maintain the Compliance Program as detailed in Exhibit A.

7. Within 15 calendar days of execution of this Order, Respondent Corporation shall provide the Director with copies of all records specific to the terms of the Compliance Program (Exhibit A) since implementation on September 25, 2018. Thereafter, Respondent Corporation shall provide the Director with copies of any records required under the terms of the Compliance Program (Exhibit A) within 15 calendar days of providing such records to the Assistant United States Attorney. Such records shall include:

a. all training and education materials, training records, test results, and other materials and records of the initial and ongoing training in "FMIA and PPIA statutory frameworks" as required by item 2 of Exhibit A;

b. all training and education materials, training records, test results, and other materials and records of the initial and biannual "HACCP training program" as required by item 2 of Exhibit A;

c. internal audits by the last day of March, June, September, and December of each year for the duration of the Order and as required by item 5 of Exhibit A; and

d. third party audits conducted by June 30 and December 31 of each year for the duration of the Order and as required by item 6 of Exhibit A.

8. Respondent Corporation shall designate an employee and an alternate to be responsible for oversight of all aspects of the Compliance Program, at all times during production. Such employee, or alternate, shall have full authority to hold up production, stop production, remove product from production, or take positive control of any products manufactured or stored at the facility which are believed to be adulterated, or misbranded. The designated employee or alternate must be present at all times when operations requiring Federal inspection are conducted.

9. Respondent Corporation shall submit the names of the designated employee and alternate to the Director for review and concurrence.

General Provisions

10. Respondent Corporation will keep and maintain full, complete and accurate copies of (a) all written records required by the FMIA and PPIA and regulations promulgated thereunder, and all applicable, State or local statutes, (b) written records of all its practices under its Business Code and Compliance Program, and (c) all other written records required by this Order. Respondent will make all such records available to FSIS representatives for review and/or copying upon request, in a timeframe consistent with FSIS requirements.

11. Respondent Corporation will notify the Director of any changes or modifications to the Respondent Corporation's Business Code or Compliance Program, including changes to all related record keeping forms.

12. Respondents and any of their owners, officers, directors, partners, employees, agents, successors, affiliates, or assigns shall not:

a. violate any section of the FMIA, PPIA, or regulations promulgated thereunder, or any Federal, State, or local statute or regulations involving the receiving, preparation, processing, offer for sale, sale, transportation, distribution or attempted distribution of any adulterated, non-inspected, misbranded or deceptively packaged meat, meat food products, poultry, or poultry 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 Respondent Corporation in compliance with the Federal, State, or local statutes or regulations or this Order; neglect or fail to make full, true, and correct entries into such accounts, records, reports, or memoranda; and fail to keep such accounts, records, reports, or memoranda that fully and correctly disclose all transactions in Respondent Corporation's business; or

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

13. Respondent Corporation shall not knowingly hire or add any new individual who has been convicted, in any Federal, state, or territorial court, of any felony, or more than one misdemeanor based upon the acquiring, handling, or distributing of unwholesome, mislabeled or deceptively packaged food, or based upon fraud in connections with transactions in food. To the extent permitted by state and federal law, Respondent Corporation shall immediately terminate their connection with such individual when that individual's conviction becomes known to Respondent Corporation.

14. Respondent Corporation will maintain compliance with statutory and regulatory requirements for sanitation, food safety programs, process controls, and all other applicable requirements, including, but not limited to, Sanitation Performance Standards (SPS), Sanitary Standard Operating Procedures (SSOP), Hazard Analysis and Critical Control Point (HACCP), and all other requirements as specified in 9 C.F.R. Parts 416, 417, and 418 as applicable.

15. Respondent Corporation will fully and completely cooperate with any FSIS investigation, inquiry, review, or examination of Respondent Corporation's compliance with the FMIA, PPIA, or this Order.

Enforcement Provisions

16. The Administrator, FSIS, shall have the right to summarily withdraw inspection services upon a determination by the Director, or his or her designee, that one or more conditions set forth in this Order in paragraphs 1 through 15 have been violated. It is acknowledged that Respondents retain the right to request an expediated 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 the complainant's right to suspend official operations in accordance with the Rules of Practice, 9 C.F.R. Part 500.

17. Nothing in this Order shall preclude the referral of any violation of law to the Department of Justice for possible criminal or civil proceedings, or preclude the Administrator, FSIS, from taking other appropriate administrative action under the FMIA, PPIA, or the regulations promulgated thereunder.

18. If any provision of this Order is declared invalid, such declaration shall not affect the validity of any other provision herein. This Order will be considered issued and effective on the date of signature by an Administrative Law Judge.

19. The provisions set forth in this Order shall be applicable for five (5) years from September 25, 2018.

Copies of this Consent Decision and Order shall be served upon the parties.

Done at Washington, D.C.
this 19th day of November 2019

[redacted]

Chief Administrative Law Judge
Channing D. Strother

King Meat Service, Inc., Respondent

By: [redacted]

Title: Advisor/Manager

[redacted]
Bai Zhi Yan, Respondent

[redacted]
Lianjie'Kitty Jiang, Respondent

[redacted]

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

[redacted]

Ciarra A. Toomey
Attorney for Complainant
United States Department of Agriculture
Office of the General Counsel

EXHIBIT A

EXHIBIT B

Compliance Program

Defendant GOLDEN KEY INC., dba "AA MEAT PRODUCTS, CORP." ("AA Meat") hereby agrees to the following compliance program requirements as terms and conditions of probation:

1. HAACP Program: AA Meat will effectively implement and maintain the required Hazard Analysis Critical Control Points ("HACCP") programs for all meat and poultry products at all its facilities, in accordance with Title 9, Code of Federal Regulations, Part 417. AA Meat will implement and comply with its HAACP plans as written.

2. Training Program: AA Meat will train all AA Meat personnel that it is the FMIA and the PPIA statutory frameworks provide that it is essential to the public interest that the health and welfare of consumers be protected, by ensuring that meat and poultry products distributed to them are wholesome, not adulterated, properly marked, labeled, and packaged.

In addition, AA Meat will maintain a comprehensive HACCP training program for all AA meat personnel, including any temporary or part-time employees and independent contractors, who manage or are involved in the preparation, processing, defrosting, bleaching, handling, labeling, storing, packaging, marking, labeling meat and poultry products with USDA marks of inspection, shipping, transporting, selling, and/or offering to sell any meat and poultry

products at for AA Meat at the Commerce Facility, the Maywood Facility, and the King Meat Facility. AA Meat will provide this training at least once every six months. In addition, the training program will comply with any local, state, and federal requirements pertaining to the preparation, processing, defrosting, bleaching, handling, labeling, storing, packaging, marking, labeling meat and poultry products with USDA marks of inspection, shipping, transporting, selling, and/or offering to sell any meat and poultry products, including but not limited to. Those requirements set forth in the Federal Meat Inspection Act ("FMIA")(21 U.S.C. § 601 *et seq*.) and the Poultry Product Inspection Act ("PPIA")(21 U.S.C. § 21 U.S.C. § 451 *et seq*.).

2. Package and USDA Marks of Inspection Compliance: AA Meat will comply with any state or federal code, statute, ordinance, order, or regulations regarding the proper placement and use of the USDA marks of inspection and product labeling for meat and poultry products prepared, processed, and packaged at their Commerce Facility, the Maywood Facility, and King Meat Facility, including, but, not limited to, using only the approved mark of inspection authorized for each establishment for products produced at that facility. For example, AA Meat cannot use a reserve mark of inspection or affix USDA marks of inspection for product prepared at the Commerce Facility with the Maywood Facility marks of inspection.

3. Continuing Compliance: AA Meat will maintain a comprehensive program to assure that any meat and poultry products that are prepared, processed, defrosted, bleached (duck and chicken feet), handled, labeled, stored, packaged, marked, labeled with USDA marks of inspection, shipped, transported, sold, and/or offered for sale by their Commerce Facility, Maywood Facility, and King Meat Facility are in full compliance with the Federal Meat Inspection Act and the Poultry Products Inspection Act.

4. Safety/Compliance Notices: AA Meat will post and maintain HAACP plans and safety guidelines that indicate to AA Meat personnel the requirements for the preparation and processing of safe and wholesome meat and poultry products fit for human consumption.

5. Internal Audit: By the last day of March, June, September, and December of each year, AA Meat will conduct an internal audit to determine whether it has adhered to the requirements of this compliance program and with any local, state, or federal ordinance, order, regulation, or statute, including, but not limited to the provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act. Thereafter, AA Meat will provide a copy of its written findings to: a) Assistant United States Attorney Amanda M. Bettinelli at 312 N. Spring Street, Los Angeles, California 90012, and b) the United States Probation Officer assigned to this matter.

6. Outside Audit: AA Meat will retain, at its own expense, a qualified third party auditor to conduct a semi-annual audit to determine whether it has adhered to the requirements of this compliance program and with any local, state, or federal ordinance, order, regulation, or statute, including, but not limited to the provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act. The audit will be conducted by June 30 and by December 31 of each year of any AA Meat facility that is engaged in the preparation, processing, defrosting, bleaching, handling, labeling, storing, packaging, marking, labeling meat and poultry products with USDA marks of inspection, shipping, transporting, selling, and/or offering to sell any meat and poultry products. The auditor will provide AA Meat with a written report of its findings from its semi-annual audit, and AA Meat will send a copy of that report to Assistant United States Attorney Amanda M. Bettinelli at 312 N. Spring Street, Los Angeles, California 90012, and b) the United States Probation Officer assigned to this matter.