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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
Southwest Native Meats, L.L.C. and SW Native Meats, L.L.C.	)	Docket No. 20-J-0010
	)	
	)	
	)	
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 and withdraw Federal inspection services from SW Native Meats, L.L.C. and Southwest Native Meats, L.L.C. (hereinafter referred to collectively as, "Respondent").[1] 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).

The Respondent admits 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, and waives oral hearing and further procedure. The Respondent and its owners, officers, directors, partners, successors, assigns, and affiliates waive any right to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's

[1] Although Southwest Native Meats, L.L.C. is still an active limited liability company as of , 2019, Mr. John Pinto is the only individual identified associated with the L.L.C. Mr. Pinto is identified as the Registered Agent, Member, and Organizer by the New Mexico Secretary of State. Mr. Pinto was identified as the Owner/Manager of Southwest Native Meats on the application for a Grant of Inspection submitted to FSIS August 9, 2017 and is the only individual identified as associated with the L.L.C. Mr. Pinto passed away on May 24, 2019. In an application for change in ownership submitted to FSIS Southwest Native Meats' establishment number is identified as the existing establishment number but identifying SW Native Meats, L.L.C. as the name of the company. FSIS considers SW Native Meats as the successorship to Southwest Native Meats and both limited liability companies are named herein but collectively referred to as a single Respondent since there is functionally only one limited liability company operating at the Southwest Native Meats/SW Native Meats establishment.

authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waive 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 the Respondent in connection with this proceeding and waive any other action against USDA or its employees in connection with this proceeding and the facts and events that gave rise to this proceeding.

The Respondent consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision and that this decision is the final resolution of all facts and events that gave rise to this proceeding.

FINDINGS OF FACT

1. Respondent Southwest Native Meats, L.L.C. is now, and was at all times material herein, a limited liability company organized and existing under the laws of the State of New Mexico since May 4, 2017. Respondent Southwest Native Meats has a physical address of 6368 HWY 55, Mountainair, New Mexico 87036 and a mailing address of 509 W. Morgan Avenue, Gallup, New Mexico 87301.

2. At all times material herein, Mr. John Pinto was the sole grant holder and Owner/Manager for Southwest Native Meats, L.L.C. On May 24, 2019, Mr. Pinto passed away and (b) (6) [redacted] was named the Personal Representative of his Estate.

3. Respondent SW Native Meats, L.L.C. is a limited liability company organized and existing under the laws of the State of New Mexico since June 24, 2019. Respondent SW Native Meats has a physical address of 6368 HWY 55, Mountainair, New Mexico 87036 and a mailing address of HC 75 Box 95, Mountainair, New Mexico 87036. SW Native Meats is the successor company to Southwest Native Meats, L.L.C. (b) (6) [redacted] is the Owner of Respondent SW Native Meats, L.L.C.

4. Respondent is a very small livestock slaughter and processing plant located at 6368 HWY 55, Mountainair, New Mexico 87036.

5. On August 21, 2017, Respondent Southwest Native Meats, L.L.C. was issued a Conditional Grant of Inspection for Federal meat inspection services at its facility in Mountainair, New Mexico, designated as Official Establishment No. M48264. Respondent Southwest Native Meats, L.L.C., at all

times material herein, was the recipient of Federal inspection services under its Conditional Grant of Inspection at its place of business in Mountainair, New Mexico, and designated as Official Establishment No. M48264.

6. From November 6, 2018 through November 15, 2018, FSIS conducted a Comprehensive Food Safety Assessment (CFSA) that documented findings that the Respondent's HACCP system was inadequate. Based on the results of the CFSA, On November 30, 2018, FSIS issued a Notice of Intended Enforcement (NOIE) to Respondent Southwest Native Meats, L.L.C. informing Respondent of its intent to withhold marks of inspection and suspend the assignment of FSIS inspection program personnel. Based on Respondent's response to the NOIE, FSIS deferred further enforcement action.

7. On June 13, 2019, issued a Notice of Suspension (NOS), withholding the marks of inspection and suspending the assignment of inspectors to Respondent Southwest Native Meats, L.L.C.

8. On July 10, 2019, Respondent SW Native Meats, L.L.C. submitted a change of ownership application for Federal inspection (FSIS Form 5200-2) for existing Establishment No. M48264 operating under Respondent Southwest Native Meats, L.L.C. name for meat inspection.

9. Respondent SW Native Meats, L.L.C. is the successorship of Respondent Southwest Native Meats, L.L.C.

CONCLUSION

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

ORDER

Federal meat inspection services under the FMIA are refused and withdrawn from Respondent 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. This Order will expire three (3) years from the date on which Respondent's Federal inspection services resume. However, the refusal and withdrawal of inspection services shall be held in abeyance, and Federal meat inspection services shall be provided to Respondent SW Native Meats, L.L.C. 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 inspection services under the FMIA, are met and maintained.

CONDITIONS

I. Conditions to be met prior to resuming Federal inspection services

Respondent SW Native Meats, L.L.C. will not resume Federal operations until Respondent demonstrates all provisions listed in paragraphs 1 through 18 of this Order have been met.

Prior to the resumption of Federal inspection services, and subject to verification by FSIS, pursuant to this Order, the Respondent shall:

1. Demonstrate compliance with all applicable FSIS statutory and regulatory requirements, including, but not limited to, 9 C.F.R. Parts 310, 314, 416, 417, and 418, upon review and examination of:

a. the establishment's Sanitation Performance Standards (SPS), Pest Management Program, Sanitation Standard Operating Procedures (SSOP), Hazard Analysis and Critical Control Point (HACCP) system(s), Sanitary Dressing Procedures, Process Control Verification Testing Program(s), and any other written sanitation programs, and process controls; and

b. the physical and sanitary conditions of the establishment.

Company Management and Personnel

2. Prior to resumption of Federal inspection services, the Respondent 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. The Respondent shall immediately notify the Director in writing of any changes in management personnel and/or their associated duties and responsibilities during the period of this Order.

3. Within fifteen (15) calendar days of execution of this Order, the Respondent shall submit to the District Manager, FSIS, Office of Field Operations, Dallas 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 the conditional Grant of Inspection

for Establishment M48264, as applicable, with 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, the Respondent 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 fifteen (15) calendar days of any change to required information prescribed above for the duration of this Order.

Plant Manager/Food Safety Coordinator

4. Prior to resumption of Federal inspection services, and subject to the concurrence of the Director, the Respondent shall appoint or hire an individual to the dual role position of Plant Manager/Food Safety Coordinator. This person shall have the responsibility for the oversight of all day-to-day operations and authority regulated under the FMIA and is to serve as the contact with FSIS inspection program personnel for all matters related to Respondent, including responding to written documentation from inspection program personnel. Additionally, this person shall be responsible for the overall implementation, coordination, documentation, monitoring, recordkeeping, review, and maintenance of the food safety programs and other written programs required by the Federal regulations and this Order.

5. The Plant Manager/Food Safety Coordinator shall:

a. be listed on the application for a grant of inspection as a responsibly connected individual with their designated title; and

b. complete, prior to resumption of Federal inspection services, a course of instruction in the seven principles of HACCP.

c. have at least two (2) years of work experience in food safety, quality assurance, and the FSIS regulations;

d. be present at all times when operations requiring Federal inspection are being conducted.

6. The Respondent may hire or appoint an Alternate to perform the Plant Manager/Food Safety Coordinator's duties in the absence of the Plant Manager/Food Safety Coordinator. The Alternate shall act in the Plant Manager/Food Safety Coordinator position for no more than ten (10) days per month and no more than twenty (20) days per year of inspected operations. The Respondent shall provide the name of any Alternate in writing to the Director, with documentation of their education and work experience, and at least two (2) business days prior to the first time the Alternate serves as the Plant Manager/Food Safety Coordinator.

7. In the event that the Plant Manager/Food Safety Coordinator in place at the time of resumption of operations vacates their assigned role during the period of this Order, Respondent is responsible for appointing a new Plant Manager/Food Safety Coordinator who meets all qualifications detailed above and notifying the Director in writing.

8. The Respondent shall not conduct any operations requiring Federal inspection in the absence of the abovementioned appointed Plant Manager/Food Safety Coordinator or Alternate.

9. The Plant Manager/Food Safety Coordinator and Alternate shall have the authority to hold up production, stop production, remove product from production, or take positive control of any product produced, processed, packed, or stored at the establishment that is or is believed to be adulterated or misbranded, or when facility sanitation or production deficiencies are observed.

Sanitation Performance Standards (SPS) and Pest Management Program

10. Prior to the resumption of Federal inspection services, and subject to verification by FSIS, the Respondent shall:

a. develop written procedures, including monitoring, corrective action, and recordkeeping procedures that will be implemented to operate and maintain the establishment, including its premises, facilities, equipment, and outside premises, in a manner sufficient to: (i) prevent the creation of insanitary conditions and practices; (ii) comply with the requirements of SPS regulations (9 C.F.R. § 416.1 to §

416.5); and (iii) ensure that meat and meat food products that are prepared, packed, and stored at Respondent's facility are not adulterated or misbranded; and

b. develop additional procedures for grounds and pest control, including monitoring, corrective action, and recordkeeping procedures, that the Respondent will implement to prevent the harborage and breeding of pests on the grounds and within the establishment's facilities. Procedures shall include, at a minimum: (i) at least daily examination of the facilities and structures for potential pest entry ways, attractants, and evidence of harborage and breeding; (ii) at least monthly service by an independent contracted pest control service to audit the facility and grounds and recommend corrective actions and preventative measures to be implemented by the establishment; and (iii) the maintenance of records associated with program implementation, including the contracted pest service audits, findings, and reports and corrective actions taken by the establishment, to be available for review by FSIS.

Sanitation Standard Operating Procedures (SSOPs)

11. Prior to the resumption of Federal inspection services, and subject to verification by FSIS, the Respondent shall:

a. develop written SSOPs to describe the monitoring activities, recordkeeping, and other procedures that the establishment will implement, conduct, and maintain, on a daily and ongoing basis, before, during, and after operations, in accordance with the Order and regulatory requirements (9 C.F.R. § 416.11 to § 416.16) to ensure sanitary conditions and prevent adulteration; and

b. ensure that its SSOP include specific, written instruction addressing, at a minimum, the following procedures: (i) cleaning and sanitizing of food contact surfaces of facilities, equipment, and utensils; (ii) complex equipment use and methods of cleaning; (iii) proper handling, storage, denaturing, and disposal of inedible products; (iv) re-conditioning of contaminated product; and (v) employee hygienic practices. This written instruction shall specify the frequency of each aforementioned procedure.

Hazard Analysis and Critical Control Points (HACCP) System(s) and Sanitary Dressing Procedures

12. Prior to the resumption of Federal inspection services, and subject to verification by FSIS, the Respondent shall:

a. reassess its HACCP system(s) and plans to describe each system of process controls and procedures that the establishment will implement, conduct, and maintain on a daily and ongoing basis to control and prevent the introduction of food safety hazards in its meat and meat food products, in accordance with the Order and regulatory requirements (9 C.F.R. Part 417). These plans shall address specific process controls and procedures within the establishment's HACCP system(s), including, but not limited to, the following: (i) measures to identify biological, chemical, and physical food safety hazards reasonable likely to occur at each process step, and to eliminate or reduce such hazards or reduce them to undetectable levels; (ii) measures to address Sanitary Dressing Procedures to prevent contamination of carcasses specifically at live receiving/holding, sticking, hide removal, bunging, brisket opening, head removal, rodding the esophagus (weasand), evisceration, and carcass splitting steps in the slaughter process; and (iii) measures to eliminate or reduce and control the level of pathogens to prevent contamination of the establishment's finished product; and

b. retain all decision making-documents of its HACCP system(s) and plans, including its hazard analysis, validation protocols, and all parameters used in said protocols, and data to support the food safety systems.

Process Control Verification Testing Program(s)

13. Prior to resumption of Federal inspection services, and subject to verification by FSIS, the Respondent shall develop a written *Escherichia coli* (*E.coli*) Biotype I sampling and testing program for its amenable products in accordance with 9 C.F.R. Part 310 and, at a minimum, shall:

a. submit the name of the type of livestock slaughtered in the greatest number and within fifteen (15) calendar days upon a change in the type of livestock slaughtered in the greatest number, to the Director for review and concurrence;

b. prepare written specimen collection procedures which shall identify employees designated to collect samples, and shall address location(s) of sampling, how sampling randomness is achieved, and handling of the sample to ensure sample integrity; and

c. contract with a laboratory and submit the name of the laboratory prior to resumption of Federal inspection services, and immediately upon a change to the laboratory, to the Director for review and concurrence that uses a quantitative method for analysis of *E.coli* that is approved as an AOAC Official Method of the AOAC International and meets the analysis requirements are prescribed in 9 C.F.R 310.25(a)(3).

Company Management and Personnel Training

14. Prior to resumption of Federal inspection services, and subject to verification by FSIS, the Respondent shall develop a training program for all current employees and future hires involved in the preparation, processing, and/or production of meat and meat food products to ensure the employees are trained in all aspects of food safety measures and regulatory requirements, including the requirements of the Sanitation Performance Standards (SPS), Pest Management Program, Sanitation Standard Operating Procedures (SSOP), Hazard Analysis and Critical Control Point (HACCP) system(s), Sanitary Dressing Procedures, Process Control Verification Testing Program(s), and any other written sanitation programs, process controls, and other systems, plans, and recordkeeping procedures relevant to each employee's position. The Respondent shall provide copies of all training materials to FSIS for review and evaluation prior to training employees.

15. The Respondent shall, subject to verification by FSIS, train all current employees consistent with the requirements of paragraphs 10 through 13 of this Order as relevant to each employee's position.

16. The Respondent shall train and educate any new employee(s), consistent with the requirements of this Order, within thirty (30) calendar days from the first date(s) of employment.

17. The Respondent shall conduct annual training for all employees and management personnel, current and new, involved in the preparation, processing, and/or production of meat and meat food products consistent with all applicable FSIS statutory requirements and requirements of this Order.

18. The Respondent shall document and maintain all training and education materials, certifications, training records, test results, and other materials for all training required by paragraphs 14 through 17 of this Order and make records available to FSIS personnel for review and/or copying immediately upon request.

II. Terms to be met upon the resumption of Federal inspection services

Sanitation Performance Standards (SPS) and Pest Management Program

19. Upon the resumption of Federal inspection services, and subject to verification by FSIS, the Respondent shall:

a. implement and maintain its SPS and pest control procedures as provided pursuant to paragraph 10 of this Order and regulatory requirements of 9 C.F.R. §416.1 to §416.5; and

b. routinely assess its written SPS and pest control procedures to evaluate their effectiveness, and make necessary improvements, corrections, and repairs to the establishment's buildings, structures, rooms, and compartments to ensure that they are kept in good repair and have sufficient size to allow for processing, handling, and storage of product in a manner to ensure and maintain sanitary conditions, and to preclude harborage and breeding of pests.

Sanitation Standard Operating Procedures (SSOPs)

20. Upon the resumption of Federal inspection services, and subject to verification by FSIS, the Respondent shall:

a. implement and maintain, on a daily basis, its SSOP system as provided in paragraph 11 of this Order and the regulatory requirements of 9 C.F.R. § 416.11 through § 416.16 to ensure sanitary conditions and prevent product adulteration; and

b. implement and document all corrective and preventative actions, as required by 9 C.F.R. § 416.15; routinely evaluate the effectiveness of its SSOP; and implement necessary modifications as required by 9 C.F.R. § 416.14 to ensure the regulatory requirements for the maintenance of sanitary conditions and the production and distribution of safe, wholesome, not adulterated, and properly labeled products in commerce are met.

Hazard Analysis and Critical Control Points (HACCP) System(s) and Sanitary Dressing Procedures

21. Upon the resumption of Federal inspection services, and subject to verification by FSIS, the Respondent shall:

a. implement, validate and maintain on a daily and ongoing basis the HACCP system(s) and plan(s), in accordance with the regulatory requirements of 9 C.F.R. Part 417 and as provided in paragraph 12 of this Order;

b. conduct initial in-plant validation during the first ninety (90) calendar days of resumed operations, in accordance with the regulatory requirements of 9 C.F.R. §§ 304.3 and 417.4;

c. implement timely and appropriate corrective and preventative actions and reassess and modify its HACCP system(s) and plans as necessary to ensure that the regulatory requirements for the control and prevention of pathogens and the production and distribution of wholesome, unadulterated, and properly labeled products in commerce are met, as required by and consistent with the regulatory requirements of 9 C.F.R. Part 417; and

d. conduct ongoing assessments, validation, and testing of adequacy of the critical control points, critical limits, monitoring, and record-keeping procedures, and corrective actions set forth in the HACCP system(s) and plan(s), to ensure that the establishment's food safety systems remain validated over time, as required by 9 C.F.R. Part 417.

Process Control Verification Testing Program(s)

22. Upon the resumption of Federal inspection services, and subject to verification by FSIS, the Respondent shall:

a. implement and maintain the *E.coli* Biotype I sampling and testing program, as provided in paragraph 13;

b. conduct *E.coli* Biotype I sample collection in the manner and frequency prescribed in 9 C.F.R § 310.25(a)(2)(ii), (iii), (iv), and (v);

c. notify FSIS of sample collection in advance so FSIS may perform direct observation of the sampling by Respondent's designated sample collector;

d. submit *E.coli* Biotype I samples to the laboratory that has been approved by the Director in accordance with paragraph 13(c); and

e. maintain *E.coli* Biotype I sample records in accordance with requirements prescribed in 9 C.F.R § 310.25(a)(4).

Company Management and Personnel Ongoing Training

23. Upon the resumption of Federal inspection services, and subject to verification by FSIS, the Respondent will train and educate any new manager, supervisor, and employee involved in the preparation, processing, and/or production of meat and meat food products prior to starting work duties, consistent with the requirement as provided in paragraph 14 of this Order.

24. Upon resumption of Federal inspection service, and subject to verification by FSIS, the Respondent will make all training and education materials, training records, test results, and other materials and records of the initial and annual training of current and new employees and management personnel available to FSIS personnel for review and/or copying immediately upon such a request by FSIS.

Reassessment of the Food Safety Program(s)

25. Upon resumption of Federal inspection services, and subject to verification by FSIS, the Respondent will ensure that the Food Safety Coordinator will reassess the Food Safety programs to determine the program's effectiveness in complying with the Order and FSIS' statutory and regulatory requirements. This assessment will be conducted and documented by the appointed Food Safety Coordinator every ninety (90) calendar days from the date of resumption of Federal inspection services and prior to FSIS resuming Federal inspection services after FSIS taking a withholding or suspension action in accordance with 9 C.F.R. Part 500.

26. Each reassessment will include, at a minimum:

a. an evaluation of all records associated with program implementation generated during the ninety (90) day period;

b. a summary of any failures to implement the food safety program, as required by paragraphs 19 through 22 of this Order, Noncompliance Records (NRs) documented for 9 C.F.R. Parts 310, 416, and 417 violations, and actions taken by FSIS in accordance with 9 C.F.R. Part 500 documented during the ninety (90) day period;

c. a summary of any corrective actions taken as a result of program deviations, NRs, and other FSIS actions during the ninety (90) day period;

d. an assessment on the adequacy of the program and its effectiveness in maintaining compliance with the Order and FSIS' statutory and regulatory requirements; and

e. a summary of any actions taken as a result of the reassessment, including changes to the written program, personnel, facilities, or equipment.

27. Upon resumption of Federal inspection services, the Respondent will submit records of reassessment to the Director for review fifteen (15) calendar days after the reassessment is conducted, and prior to FSIS resuming Federal inspection services after FSIS taking a withholding or suspension action in accordance with 9 C.F.R. Part 500.

Third Party Audits

28. Upon resumption of Federal inspection services, and subject to verification by FSIS, the Respondent shall cause to be made, by an independent third party, who is certified by an accredited HACCP certifying organization, written audits of the effectiveness of its implementation, monitoring, and maintenance of its Sanitation Performance Standards (SPS), Pest Management Program, Sanitation Standard Operating Procedures (SSOP), Hazard Analysis and Critical Control Point (HACCP) system(s), Sanitary Dressing Procedures, Process Control Verification Testing Program(s), and any other written sanitation programs, and process controls as required by paragraphs 19 through 22 of this Order.

29. The initial audit shall be conducted no earlier than thirty (30) calendar days, but no later than sixty (60) calendar days, from the resumption of Federal inspection services; and subsequent audits shall be conducted every 180 calendar days thereafter for the duration of this Order.

30. The Respondent shall prepare, for each audit conducted, a written response to the audit findings and recommendations. That written response shall identify:

a. any modifications to the programs reviewed by the auditor;

b. any corrective actions or any other actions implemented or planned in response to the audit findings and recommendations; and

c. supportable information and reasoning for any decision by the establishment to not implement any audit recommendation.

31. The Respondent shall submit a copy of each third party audit, a copy of its written response, and any other documents related to the audit to the Director within thirty (30) calendar days after each audit is completed.

32. For the purposes of paragraphs 28 through 31, an independent third party shall be a person, entity, or corporation free from bias and absent from a conflict of interest with the Respondent. Specifically, this person, entity, or corporation conducting an audit shall not be a current or former officer, director, employee, affiliate, representative, or agent of the Respondent. If the Director has good cause to believe that audit was conducted by a person, entity, corporation otherwise employed by or affiliated with the establishment, or with a present bias or conflict of interest, any written audit and report of the audit shall be deemed disqualified for the purposes of complying with this Order. This person shall not be the person who developed the food safety programs.

Recordkeeping

33. The Respondent shall keep and maintain full, complete, and accurate copies of all written records required by the FMIA, the regulations promulgated thereunder, all applicable State or local statutes, and all other written records required by this Order. The Respondent will make all such records

available to FSIS representatives for review and/or copying upon request, in a timeframe consistent with FSIS requirements.

34. The Respondent will notify the Director of any changes or modification to its food safety programs, including changes and modifications to all related records keeping forms.

General Provisions

35. The Respondent and any of its owners, officers, directors, partners, employees, agents, successors, affiliates, or assigns shall not:

a. violate any section of the FMIA, the regulations promulgated thereunder, or any Federal, State, or local statute or regulations involving the preparation, sale, transportation, distribution or attempted distribution of any adulterated, non-inspected, misbranded or deceptively packaged meat or meat food 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 the Respondent 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 the Respondent Company's business; or

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

36. The Respondent will maintain compliance with statutory and regulatory requirements for sanitation, food safety programs, process controls, humane slaughter and handling, 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 310, 313, 314, 416, 417, and 418 as applicable.

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

Enforcement Provisions

38. 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 have been violated. In the event that inspection services are summarily withdrawn, the Respondent retains 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.

39. 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 or the regulations promulgated thereunder.

40. 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.

41. This Order will expire three (3) years from the date on which Respondent's Federal inspection services resume pursuant to the terms of this Order.

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

[redacted]

Flora Dennison 10-19-19
SW Native Meats, L.L.C. Owner

[redacted]

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

[redacted]

Shannon Pinto
SW Native Meats, L.L.C. Vice President

[redacted]

ELIZABETH M. KRUMAN
Attorney for Complainant
Office of the General Counsel
U.S. Department of Agriculture

Issued this 23 day of OCT, 2019,
in Washington, D.C.

[redacted]

ADMINISTRATIVE LAW JUDGE
Jill S. Clifton