

USDA
OALJ/OHC

2016 DEC 12 PM 2:45

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	P&S Docket No. 16-0131
)	
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).

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 P.O. Box 215, Glenwood, Illinois 60425.

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).

In accordance with section 203 of the Act (7 U.S.C. § 193), respondent is hereby assessed a civil penalty in the amount of twenty thousand dollars (\$20,000.00). On or before January 1, 2017, respondent shall mail a certified check or money order for ten thousand dollars (\$10,000.00), payable to the "United States Department of Agriculture", in an envelope with sufficient first class postage to USDA GIPSA, P.O. Box 790335, St. Louis, Missouri 63179-0335. The certified check or money order shall include the docket number of this proceeding, P&S Docket No. 16-0131, in the memo section of the certified check or money order.

Respondent shall pay the remaining ten thousand dollars (\$10,000.00) in five (5) monthly installments of two thousand dollars (\$2,000.00) each. The first monthly installment shall be due on or before February 1, 2017; the second installment shall be due on or before March 1, 2017; the third installment shall be due on or before April 1, 2017; the fourth installment shall be due

on or before May 1, 2017; and the final installment shall be due on or before June 1, 2017. Each monthly installment of two thousand dollars (\$2,000.00) shall be paid by certified check or money order, payable to the "United States Department of Agriculture", and mailed to USDA GIPSA, P.O. Box 790335, St. Louis, Missouri 63179-0335. Each certified check or money order shall include the docket number of this proceeding, P&S Docket No. 16-0131, in the memo section of the certified check or money order. If respondent fails to make one of the payments set forth above or makes a late or incomplete payment, any remaining balance will become due immediately and in full upon request by the complainant.

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.

[Redacted signature]

T&J Meat Packing, Inc.
Respondent

[Redacted signature]

Burton A. Padove, Esq.
Attorney for Respondent

[Redacted signature]

Thomas N. Bolick
Attorney for Complainant

Done at Washington, D.C.

this 12 day of Dec, 2016

[Redacted signature]

Administrative Law Judge

3 Jill S. Clifton