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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	Docket No. 19-J-0141
	)	(FMIA)
	)	19-J-0142
Jerky Dudes, Inc.,	)	
and Ryan Prichard	)	
	)	
	)	
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 Jerky Dudes, Inc. ("Respondent Jerky" or "Jerky") and Mr. Ryan Prichard ("Respondent Prichard"). 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 Jerky is now, and at all times material herein, a corporation located at 110 W. Main St., Stratford OK, 74872
2. Respondent Prichard, an individual, is the owner of Jerky and is responsible for the management and oversight of its activities. Respondent Prichard's home address is in the [redacted] In order to protect the personal privacy of Respondent Prichard, his 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 June 26, 2019, Respondent Jerky submitted FSIS Form 5200-2 (Application for Federal Inspection) to FSIS requesting Federal inspection services for the processing of heat treat shelf stable meat product under the FMIA, listing Respondent Prichard in block 22 as the person responsibly connected to the applicant.
4. On June 3, 2011, Respondent Prichard was convicted of concealing stolen property, assault and battery – domestic abuse, assault with a dangerous weapon, and possession of a firearm, all felonies, in Oklahoma.
5. On May 14, 2009, Respondent Prichard was convicted of conspiracy to traffic controlled dangerous substance (marijuana), a felony, on Oklahoma.

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 three (3) 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 and Conflict Resolution Training

1. Within ninety (90) days of the effective date of this Order, Respondent Prichard shall participate in and successfully complete training in at least two topics, including:
    a. a training program(s) or educational course(s) encompassing ethical business practices; and
    b. a training program(s) or educational course(s) on conflict and alternative dispute resolution.
2. Prior to participating in such courses, Respondent Prichard shall submit a detailed description of the proposed training courses 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.

Standards of Conduct Policy and Program

3. 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 Jerky's commitment and a commitment of their officers, managers, and employees, to condemn and not tolerate any illegal activities at Jerky by plant officers, managers, or employees; (ii) a statement of Jerky's commitment to maintain a safe work environment and ensure that Respondents, its officers, employees, or agents do not intimidate, interfere with, assault, impede, or threaten FSIS personnel; (iii) a statement of Jerky's commitment to promote communications and exchanges between Jerky's officers, managers, and employees and FSIS personnel that are professional, respectful, business like, non-threatening, and non-offensive in gender or ethnicity; and (iv) a statement of Jerky's commitment to comply with all Federal and State food safety and other laws in the conduct of their business.

4. The Standards of Conduct Policy and Program shall be permanently displayed in a prominent location in Jerky'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.

Firearms Prohibition Policy

5. Prior to the effective date of this Order, Respondents shall develop and submit for review and concurrence by the Director, ELD, a written policy prohibiting the storage and/or use of firearms within or on the federally inspected premises.
6. The written policy shall be permanently displayed in a prominent location in Jerky'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

7. Prior to the effective date of this Order, Respondents will address and correct any premises, facility, and equipment noncompliance previously identified by the State of Oklahoma Department of Agriculture, Food, and Forestry, or identified by FSIS at the time of the physical plant review conducted pursuant to paragraph 8 of this Order.
8. Prior to the effective date of this Order, and subject to verification by FSIS, Respondents shall demonstrate compliance with all applicable FSIS statutory and regulatory requirements, including but not limited to 9 C.F.R. Parts § 416, 417, 418, and 430, upon a review and examination of:
    a. Respondents' Sanitation Performance Standards (SPS), Sanitation Standard Operating Procedures (SSOP), Hazard Analysis and Critical Control Point (HACCP), *Listeria monocytogenes (Lm)* Program, sampling and testing programs, product recall procedures, and other written sanitation, process controls, and corrective actions required by regulation or this Order; and
    b. the physical and sanitary conditions of Respondent's establishment.

9. Respondents shall implement, and maintain compliance with, the SPS, SSOP, HACCP, *Listeria monocytogenes (Lm)* Program, sampling and testing programs, product recall procedures, and all other relevant written sanitation, process controls, and corrective actions, as specified in 9 C.F.R. Parts 416, 417, 418, and 430.

Recordkeeping Provisions

10. 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 food safety and sanitation records. Respondents shall make these records available for review and copying upon request of any authorized representative of the Secretary.

General Provisions

11. 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 meat and 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 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.

12. 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 Respondents.

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

Corporate Reporting to FSIS

14. Respondents shall provide a quarterly report to the Director, ELD, regarding Respondents' compliance with all terms and conditions of this Order.

Implementation

15. 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

16. 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 15 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.

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

18. 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.

19. This Order shall expire three (3) years from the date on which the conditional grant of Federal inspection services is issued to Respondents.

[redacted]

Ryan Prichard, President
Jerky Dudes, Inc.

[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