

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
)
Mr. Russell Stewart Grandshaw,) FMIA Docket No. 05-0008
and Grizzly's Beef Jerky, Inc.)
)
Respondents) STIPULATION and
) CONSENT DECISION
)

This is a proceeding under the Federal Meat Inspection Act, as amended (21 U.S.C. §§ 601 *et seq.*) (FMIA) 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 to provide inspection services to Mr. Russell Stewart Grandshaw and Grizzly's Beef Jerky, Inc., hereinafter jointly referred to as Respondents. This proceeding was commenced by a complaint filed on August 11, 2005 by the Administrator of the Food Safety and Inspection Service (FSIS), United States Department of Agriculture (USDA), which is responsible for the administration of Federal inspection services for both meat and poultry. The parties have agreed that this proceeding should be terminated by entry of the Consent Decision set forth below and have agreed to the following stipulations:

1. For the purpose of this stipulation and the provisions of this Consent Decision only, Grizzly's Beef Jerky, Inc., hereinafter Respondent business, and Mr. Russell Stewart Grandshaw, hereinafter Respondent, admit all jurisdictional allegations of the complaint and waive:

(a) Any further procedural steps except as specified herein;

(b) Any requirement that the final decision in this proceeding contain any findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or basis thereof; and

(c) All rights to seek judicial review or to otherwise challenge or contest the validity of this decision.

2. This Stipulation and Consent Decision is for settlement purposes in this proceeding only and does not otherwise constitute an admission or denial by Respondents that they violated the regulations or statutes involved.

3. Respondents waive any action against the USDA 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.

Findings of Fact

1. Grizzly's Beef Jerky, Inc. is a business that wishes to engage in the processing of meat and meat products at its place of business located at 6349 82nd Avenue North, Pinellas Park, Florida 33781.

2. On March 15, 2005, Respondents submitted an "Application for Federal Meat, Poultry, or Import Inspection" requesting federal inspection services under the FMIA at the place of business in Pinellas Park, Florida.

3. On April 24, 1997, in the Pinellas County Circuit Court, Pinellas County, Florida, Mr. Russell Stewart Grandshaw was adjudicated guilty of the offense Felonious Possession of Firearms, (Fla. Stat. § 790.23), a second degree felony, and was sentenced to a nineteen (19) month term of incarceration.

Conclusion

Because the parties have agreed to the provisions set forth in the Following Stipulation and Consent Decision in disposition of this proceeding, the following Order will be issued.

Order

Federal Meat Inspection Services under Title 1 of the Federal Meat Inspection Act (FMIA) are denied from Respondent Grizzly's Beef Jerky, Inc., its owners, officers, directors, successors, affiliates and assigns, directly or through any corporate or other device, for a period of two (2) years beginning on the effective date of this Order. The denial of inspection service shall be held in abeyance, and inspection service shall be provided to Respondent business for so long as the conditions set forth below, in addition to all other

requirements of applicable inspection regulations and statutes are met.

1. Respondent business or any of its officers, directors, partners, employees, agents, affiliates, or assigns shall not:

A. violate any section of the FMIA, Poultry Products Inspection Act (PPIA) or the regulations promulgated under these Acts;

B. violate any State or local statutes involving the preparation, sale, transportation or attempted distribution of any adulterated or misbranded meat products;

C. commit any felony or fraudulent criminal act;

D. make or cause to be made, any false entry into any accounts, records, or memorandums kept by the Respondents.

E. conduct any operation requiring Federal inspection services outside the official hours of operation without obtaining prior written approval from FSIS; or

F. assault, intimidate, threaten or interfere, or threaten to assault, intimidate, or interfere with any program

employee in the performance of his or her official duties under the FMIA or PPIA.

2. 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 distributing of unwholesome, mislabeled or deceptively packaged food, or based upon fraud in connection with transactions in food. Respondents shall immediately terminate its connection with any such individual when that individual's conviction becomes known to Respondents, except that Respondent Russell S. Grandshaw may continue to hold the position of President of Respondent business.

3. Respondents shall maintain a Sanitation Standard Operating Procedure (SSOP) and a Hazard Analysis and Critical Control Point (HACCP) system (ensuring that no adulterated product is produced or shipped) in compliance with regulatory requirements specified in Title 9, Code of Federal Regulations, Parts 416 and 417, respectively.

4. Respondents shall maintain full, complete and accurate written records of all business activities applicable to the FMIA, PPIA, and State and local laws. Such records may include, but are not limited to, bid solicitations, government contracts, product

specification worksheets, and SSOP and HACCP records. Respondents shall make these records available for review and/or copying upon request to any authorized representative of the Secretary.

5. Respondents shall fully and completely cooperate with any USDA or FSIS investigation, inquiry, review or examination of (a) Respondent business establishment, product or business records (b) Respondent's compliance with the FMIA, PPIA, and the regulations promulgated there under, and (c) Respondent's compliance with this Order.

6. Respondent business shall provide an annual report to the Director, Evaluation and Enforcement Division, FSIS, regarding its compliance with the terms and conditions of this Order, and FSIS statutory and regulatory requirements, including 9 C.F.R. Parts 416 and 417, within ten (10) days of the end of the annual time period.

7. The Administrator, FSIS, shall have the right to summarily withdraw inspection services upon a determination by the Administrator, or his or her designee, that one or more conditions set forth in paragraphs 1 through 6 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 concerning any violation alleged as the basis for a summary withdrawal of inspection services.

8. 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 appropriate administrative action under the FMIA, PPIA and the regulations promulgated there under.

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

This Stipulation and Consent Decision shall be issued by the Administrative Law Judge and become effective on the date the conditional Federal grant of inspection is issued by FSIS to Respondents Russell Stewart Grandshaw and Grizzly's Beef Jerky, Inc.



RUSSELL S. GRANDSHAW
for himself and as president of
Grizzly's Beef Jerky, Inc.

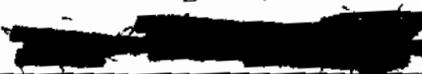


SCOTT C. SAFIAN
Director
Evaluation and Enforcement
Division
Office of Program Evaluation,
Enforcement and Review
Food Safety and Inspection Service



TRACEY MANOFF
Attorney for Complainant
Office of the General Counsel

Issued this 18 day of Aug, 2005
at Washington, D.C.



ADMINISTRATIVE LAW JUDGE

Jill S. Clifton