

U.S. DEPARTMENT OF AGRICULTURE

205 SEP 23 AM 9:08

SECRETARY OF AGRICULTURE

In re:	)	FMIA Docket No.	06-0002	RECEIVED
	)	PPIA Docket No.	06-0002	
Skoglund Meats and Locker, Inc.	)			
	)			
and	)			
	)			
Mark L. Skoglund,	)			
	)			
	)			
	)			
Respondents	)	CONSENT DECISION		

This proceeding was instituted under the Federal Meat Inspection Act (FMIA), as amended (21 U.S.C. §§ 601 et seq.), and the Poultry Products Inspection Act (PPIA), as amended, (21 U.S.C. §§ 451 et seq.), to withdraw federal inspection services from respondents. This proceeding was commenced by a complaint filed by the Administrator, Food Safety and Inspection Service (FSIS), United States Department of Agriculture (USDA). This decision is entered pursuant to the consent decision provisions of the rules of practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondents admit the allegations in paragraphs I and II of the complaint and specifically admit that the Secretary has jurisdiction in this matter. The respondents neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and waive any claim against complainant under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.).

Respondents consent and agree, 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 Skoglund Meats and Locker, Inc., is, and at all times material herein was, a corporation organized and existing under the laws of Iowa and operating a meat slaughter and processing plant located at 14 2<sup>nd</sup> Ave. NE, West Bend, Iowa 50597.

2. Respondent Mark L. Skoglund, who resides at 40695 305<sup>th</sup> Avenue, Rolfe, Iowa 50581, is, and at all times material herein was, an officer of and a responsibly connected individual to Skoglund Meats and Locker, Inc.

3. On February 7, 2005, respondents were granted federal inspection services pursuant to the FMIA at the above-named establishment. On July 11, 2005, the grant of federal inspection services was re-issued to include poultry inspection under the PPIA.

4. On June 17, 2005, in the Iowa District Court for Kossuth County, respondent Skoglund Meats and Locker, Inc., was convicted of the following criminal charges:

(1) Selling or offering for sale an article produced

from livestock or poultry which was required to be inspected under Chapter 189A of the Iowa Code and was not so inspected, a Simple Misdemeanor, in violation of Iowa Code § 189A.10;

(2) Selling Deer Meat, a Simple Misdemeanor, in violation of Iowa Code § 481A.32 (two counts); and

(3) Selling an article that was adulterated, a Simple Misdemeanor, in violation of Iowa Code § 189A.10.

#### Conclusions

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 the FMIA, and federal poultry inspection services under the PPIA are withdrawn from respondents, and respondent Skoglund Meats', owners, officers, directors, successors and assigns for a period of five (5) years beginning on the effective date of this Order; Provided, however, the withdrawal of inspection shall be held in abeyance, and inspection services shall continue to be provided to respondents for so long as the conditions set forth below, in addition to all other requirements for applicable inspection services, are met.

1. Respondent Mark Skoglund and respondent Skoglund Meats

and Locker, Inc., its owners, officers, directors, employees, agents, successors and assigns, directly or indirectly shall not:

A. violate any section of the FMIA, PPIA, or state or local statutes involving the preparation, sale, transportation or attempted distribution of any adulterated or misbranded meat or poultry products;

B. commit any felony or other criminal act involving the sale or distribution of unwholesome, adulterated or misbranded meat or poultry products;

C. willfully make or cause to be made, any false entry into any accounts, records, or memoranda kept by the respondents in compliance with applicable federal or state statutes or regulations; neglect or fail to make, or cause to be made, full true and correct entries in such accounts, records or memoranda; or fail to keep such accounts, records or memoranda that fully and correctly disclose all transactions in respondents' business;

D. conduct any operations requiring federal inspection outside the official hours of operation without obtaining prior written approval from FSIS.

E. 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 of 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 their connection with any such individual when that individual's conviction becomes known to respondents.

3. Respondents shall comply with the Sanitation Performance Standards (SPS), and shall establish and maintain a Sanitation Standard Operating Procedure (SSOP), and a Hazard Analysis and Critical Control Point (HACCP) system in compliance with regulatory requirements specified in Title 9, Code of Federal Regulations, Parts 416 and 417.

4. Respondents shall maintain full, complete and accurate written records of all business activities involved in their operations under the FMIA, PPIA, including the SSOP and HACCP record requirements. Respondents shall make these records available for review and copying upon request of any authorized representative of the Secretary.

5. Respondents shall ensure all custom exempt slaughtered and processed animal carcasses, and the processed meat or meat

food products and poultry and poultry food products derived therefrom, are properly labeled, packaged, plainly marked "Not for Sale" at all times and are kept separate and apart from any meat and poultry products held for sale in accordance with 9 C.F.R. Part 303.1; and shall maintain all records applicable to such custom operations as required by 9 C.F.R. Part 303.1.

6. Within one hundred and eighty (180) days of the effective date of this Order, respondent Mark L. Skoglund shall participate in and successfully complete a training program encompassing ethical business practices which has received prior approval of the Director of the Evaluation and Enforcement Division, Food Safety and Inspection Service (hereinafter Director). Respondent shall maintain records documenting the completion of such training and shall have those records available upon request by an authorized representative of the Secretary.

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 applicable rules of practice concerning any violation alleged as the basis

for a summary withdrawal of inspection services. This Order shall not 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, PPIA, and the regulations promulgated thereunder.

8. This Order shall become effective upon issuance by the Administrative Law Judge.

SKOGLUND MEATS AND LOCKER, INC.  
RESPONDENT CORPORATION

BY:

  
MARK SKOGLUND  
President

  
LORI SKOGLUND  
Secretary

MARK L. SKOGLUND  
RESPONDENT



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

  
TRACEY MANOFF  
Attorney for Complainant



Issued this 22nd of November 2005

at Washington, D.C.

  
ADMINISTRATIVE LAW JUDGE