

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re) P & S Docket No. D-17-0161
)
Sam Kane Beef Processors, LLC,) Decision without Hearing by Reason
) of Consent
)
Respondent)

This proceeding was instituted under the Packers and Stockyards Act, 1921 (Act) (7 U.S.C. §§ 181-229c), 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 Sam Kane Beef Processors, LLC, (Respondent) willfully violated the Act. 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

(a) Respondent Sam Kane Beef Processors, LLC, is a domestic limited liability company organized and existing under the laws of the State of Texas. Its business mailing address is Post Office Box 9254, Corpus Christi, Texas 78469, and its physical and operating address

is 9001 Leopard Street, Corpus Christi, Texas 78409.

(b) Respondent was at all times material herein:

(1) Engaged in the business of buying livestock in commerce for the purposes of slaughter and manufacturing or preparing meats or meat products for sale or shipment in commerce; and

(2) A packer within the meaning of and subject to the provisions of the Act.

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 Sam Kane Beef Processors, LLC, its successors and assigns, and its owners, agents and employees, directly or through any corporate or other device, in connection with its operations subject to the Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

This Order shall have the same force and effect as if entered after full hearing.

The provisions of this Order shall become final and effective on the tenth (10th) day after service of this Consent Decision and Order on the Respondent (7 C.F.R. § 1.138).

Copies of this Decision shall be served upon the parties.



Alfredo Fernandez
For Sam Kane Beef Processors, LLC
Respondent



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Done at Washington, D.C., on this
17th day of January, 2011.


Administrative Law Judge