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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P&S Docket No. D-07-0085
)
Cargill Meat Solutions Corporation,)
)
Respondent) Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*), hereinafter the "Act," by a Complaint and Notice of Hearing filed by the Deputy Administrator, Packers and Stockyards Program, United States Department of Agriculture alleging that Respondent Cargill Meat Solutions Corporation willfully violated the Act. This Decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint and Notice of Hearing 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.

Complainant agrees to the entry of this Decision.

Findings of Fact

1. Cargill Meat Solutions Corporation, hereinafter referred to as "Respondent," is a corporation organized and existing under the laws of the State of Delaware. Its business mailing address is P.O. Box 2519, Wichita, Kansas 67201.

2. Respondent is, and at all times material herein was:

(a) Engaged in the business of buying livestock in commerce for purposes of slaughter; and

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

Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this Decision, such Decision will be entered.

Order

Respondent Cargill Meat Solutions Corporation, its agents and employees, directly or through any corporate or other device, in connection with Respondent's activities subject to the Packers and Stockyards Act, shall cease and desist from failing to meet applicable accuracy tolerances established by the National Institute of Standards and Technology ("NIST") with regard to the dynamic monorail scales at Cargill's cattle processing plant in Schuyler, Nebraska.

In accordance with section 203(b) of the Act, (7 U.S.C. § 193(b)), Respondent is hereby assessed a civil penalty of twenty-two thousand dollars (\$22,000.00).

Respondent's payment shall be made out to "USDA-GIPSA" and sent to USDA-GIPSA, P.O. Box 790335, St. Louis, Missouri 63179-0335. A reference notation to the docket

number of this case, "P&S Dkt No. D-07-0085," must be included on the face of the payment instrument.

The provisions of this Order shall become effective on the sixth (6th) day after service on Respondent.

Copies of this Decision and Order shall be served on the parties.

CARGILL MEAT SOLUTIONS CORPORATION
Respondent,

By:

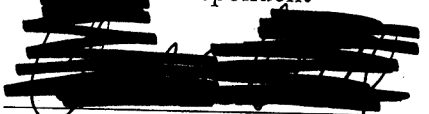


Vice President

Title



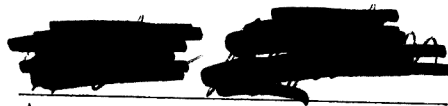
BRETT T. SCHWEMER, ESQ.
Attorney for Respondent



CHARLES E. SPICKNALL
Attorney for Complainant

Issued in Washington D.C.

this 19th day of October, 2007



ADMINISTRATIVE LAW JUDGE