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COMPLAINT

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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

FILED

In re:	)	P&S Docket No. D-03-0009
	)	
Valley Pride Pack, Inc., and	)	
Frederick R. Stewart,	)	
	)	
Respondents	)	Consent Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), hereinafter the "Act," by an Amended Complaint and Notice of Hearing filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture alleging that the Respondents 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).

Respondents admit the jurisdictional allegations in paragraph I of the Amended Complaint and Notice of Hearing and specifically admit that the Secretary has jurisdiction in this matter; neither admit nor deny the remaining allegations; waive oral hearing and further procedure; and 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. Valley Pride Pack, Inc., hereinafter referred to as the "Corporate Respondent," is a corporation organized and existing under the laws of the State of Wisconsin. The mailing

address for Valley Pride Pack, Inc., is 19081 Highway 71E, P.O. Box 256, Norwalk, Wisconsin 54648.

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

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

(b) Engaged in the business of slaughtering cattle and manufacturing or preparing meat or meat products for sale or shipment in commerce;

(c) Engaged in the business of marketing meats, meat food products, or livestock products in an unmanufactured form acting as a wholesale broker, dealer or distributor in commerce; and

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

3. Frederick R. Stewart, hereinafter referred to as the "Individual Respondent," is an individual whose mailing address is 912 Brandon Street, Tomah, Wisconsin 54660;

4. The Individual Respondent is, and at all times material, was:

(a) The Chief Executive Officer and sole shareholder of the Corporate Respondent;

(b) Responsible for the direction, management and control of the Corporate Respondent; and

(c) The alter ego of the Corporate Respondent.

### Conclusions

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

### Order

Respondents Valley Pride Pack, Inc., and Frederick R. Stewart, their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Issuing checks in payment for livestock purchases without maintaining sufficient funds on deposit and available in the account upon which the checks are drawn to pay such checks when presented;
2. Failing to pay, when due, the full purchase price of livestock; and
3. Failing to pay the full purchase price of livestock.

Respondents Valley Pride Pack, Inc., and Frederick R. Stewart shall keep records that fully and correctly disclose all transactions involved in their business subject to the Packers and Stockyards Act including, but not limited to, live cattle inventory, invoices and payment receipts for live cattle and/or meat sales, financial reports, and balance sheets.

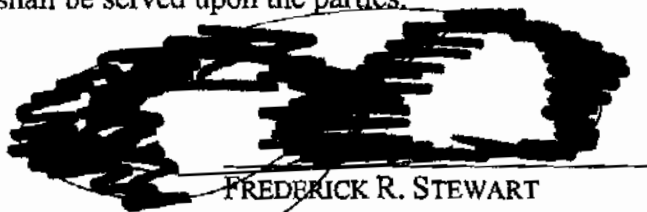
In accordance with section 203(b) of the Act, (7 U.S.C. § 193(b)), Respondents are hereby assessed a civil penalty of eighty thousand dollars (\$80,000), for which Respondents Valley Pride Pack, Inc., and Frederick R. Stewart are jointly and severally liable. Twenty-five thousand dollars (\$25,000) shall be paid in accordance with the terms of the Understanding Regarding Consent Decision (hereinafter "Understanding") entered between Complainant and Respondents. The remaining fifty-five thousand dollars (\$55,000) of the civil penalty shall be

held in abeyance in accordance with the terms and conditions of the parties' Understanding. If Respondents fail to satisfy the terms of the Understanding, the full \$80,000 civil penalty will take effect upon application by Complainant to the Administrative Law Judge and will become immediately due and payable. Respondents Valley Pride Pack, Inc. and Frederick R. Stewart expressly waive any further appearance or procedure in this case.

The provisions of this Order shall become effective on the sixth (6<sup>th</sup>) day after service upon Respondents.

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

VALLEY PRIDE PACK, INC.  
Respondent,



FREDERICK R. STEWART  
Respondent

By:



Title

CHARLES E. SPICKNALL  
Attorney for Complainant

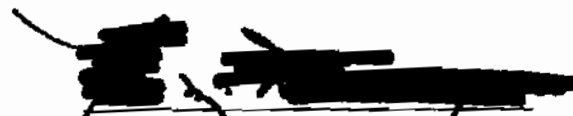


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Issued in Washington D.C.

this 30<sup>th</sup> day of January 2006



ADMINISTRATIVE LAW JUDGE  
PETER M. DAVENPORT