

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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HC  
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In re: ) P. & S. Docket No. D-08-0099  
)  
Creekstone Farms Premium Beef, LLC, )  
) Decision Without Hearing by Reason  
Respondent ) of Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (hereinafter referred to as the "Act"), by a Complaint and Notice of Hearing filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (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, 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. Creekstone Farms Premium Beef, LLC (hereinafter, "Respondent"), a slaughter facility in Kansas, is a limited liability company organized and existing under the laws of the State of Delaware. The mailing address of Respondent's registered office with the Secretary of State of Kansas is 604 Goff Industrial Park Road, Arkansas City, KS 67005. Respondent is 100% owned by Creekstone Farms Premium Beef Holdings, LLC.

2. 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; and
  - (c) A packer within the meaning of and subject to the Act.
3. During the period December 31, 2006, through August 26, 2007, and to the present time, Respondent has engaged in the business of a packer, notwithstanding the fact that its current liabilities have exceeded its current assets.

#### Conclusions

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

#### Order

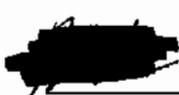
As provided in 7 U.S.C. § 204, Respondent, Creekstone Farms Premium Beef, LLC, its agents and employees, directly or through any corporate or other device, in connection with its activities subject to the Act, shall hereinafter cease and desist from purchasing livestock while its financial condition does not meet the requirements of the Act, that is, while current liabilities exceed current assets, unless Respondent Creekstone Farms Premium Beef, LLC pays the full purchase price of the livestock at the time of the purchase of the livestock,, in United States currency, by certified check, by wire transfer, or in accordance with the payment provisions outlined in the Understanding Regarding Consent Decision entered into by the parties, until such time as Respondent Creekstone Farms demonstrates to the Packers and Stockyards Program of GIPSA that Respondent's current assets exceed its current liabilities.

The provisions of this order shall become final and effective upon issuance.

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.

this 30th day of May, 2008.

   
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Administrative Law Judge

  
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for Creekstone Farms Premium Beef, LLC  
Respondent

  
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Julian B. Heron, Esq.  
Attorney for Respondent

  
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Charles L. Kendall  
Attorney for Complainant