

**UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE**

In re:)	P. & S. Docket No. D-05-0006
)	
Lakeview Packing Company, Inc.)	
and Jacob T. Turnage,)	
)	
Respondents)	Decision

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 Programs, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondents wilfully 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 Complaint 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. Lakeview Packing Company, Inc., hereinafter referred to as Corporate Respondent, is a corporation organized and existing under the laws of the State of North Carolina. Its business mailing address is P.O. Box 6188, Kinston, North Carolina 28501-0188.
2. Corporate Respondent is and, at all times material herein, was:

(a) 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

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

3. Jacob T. Turnage, hereinafter referred to as Individual Respondent, is an individual whose mailing address is P.O. Box 6188, Kinston, North Carolina 28501-0188.

4. Individual Respondent at all times material herein, was:

(a) The president of Corporate Respondent;

(b) The owner of 100 percent of the corporate stock issued by Corporate Respondent;

(c) Responsible for the day-to-day direction, management and control of Corporate Respondent; and

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

Conclusions

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

Order

Respondent Lakeview Packing Company, Inc., its officers, directors, agents, employees, successors, and assigns, and Respondent Jacob T. Turnage, individually or as an officer, director, agent or employee of Respondent Lakeview Packing Company, Inc., or of any other packer, directly, or through any corporate or other device, in connection with their operations as a packer, shall cease and desist from:

1. Failing to pay, within the time period required by the Act, the full purchase price of livestock.

In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondents Lakeview Packing Company, Inc., and Jacob T. Turnage are jointly and severally assessed a civil penalty of \$5,000.

The provisions of this Order shall become effective on the sixth day after service of this order on the Respondents.

Copies of this decision shall be served upon the parties.

LAKEVIEW PACKING COMPANY, INC.

Respondent

By:


JACOB T. TURNAGE

President


JACOB T. TURNAGE

Respondent


ERIC PAUL

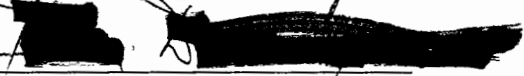
Attorney for Complainant


ELIZABETH W. BOSWELL

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC

Attorney for Respondents

Issued this ⁷20th day of April, 2005


Administrative Law Judge
PETER M. DAVENPORT