

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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OALJ/HCO

2004 OCT -4 P 3: 22
P. & S. Docket No. D-03-0013

In re:)
Nour Halal Meat Distributor, Inc., d/b/a)
Nour Halal Meats, and Hamdy Farag,)
)
Respondents) Decision

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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. Respondent Nour Halal Meat Distributor, Inc., hereinafter referred to as Respondent Nour Halal, is a corporation organized and existing under the laws of the State of Pennsylvania, that is doing business as Nour Halal Meats with its principal place of business located at 1877 North Imler Valley Road, Imler, PA 16655.

2. Respondent Nour Halal is, and at all times material herein was:
 - (a) Engaged in the business of buying livestock in commerce for purposes of slaughter and of marketing meats, meat food products, or livestock products as a wholesale broker, dealer, or distributor in commerce;
 - (b) A packer within the meaning of this term under the Act and subject to the Act; and
 - (c) A packer whose average annual purchases of livestock exceed \$500,000.
3. Respondent Hamdy Farag, hereinafter referred to as Respondent Farag, is an individual whose address is 1925 North Imler Valley Road, Imler, PA 16655.
4. Respondent Farag is, and at all times material herein was:
 - (a) General Manager of Respondent Nour Halal;
 - (b) The person who directed, managed and controlled Respondent Nour Halal, including its livestock purchases, its payment for livestock purchases, and its livestock slaughtering operations;
 - (c) Since on or about April 1, 2003, the owner with his wife Gehad Farag of Respondent Nour Halal; 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 Nour Halal Meat Distributor, Inc., its officers, directors, agents, employees,

successors, and assigns, and Respondent Hamdy Farag, individually or as an officer, director, agent or employee of Respondent Nour Halal Meat Distributor, Inc., doing business as Nour Halal Meats, 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 the full purchase price of livestock;
2. Failing to pay, when due, the full purchase price of livestock; and
3. Purchasing livestock for slaughter without filing and maintaining a bond or its

equivalent in the amount determined by the Packers and Stockyards Programs, GIPSA, in accordance with the Act and the regulations.

In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondents Nour Halal Meat Distributor, Inc. and Hamdy Farag are jointly and severally assessed a civil penalty of \$7,500.


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.

NOUR HALAL MEAT DISTRIBUTOR, INC.

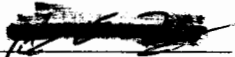
Respondent


By:



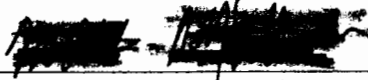
HAMDY FARAG

President


HAMDY FARAG
Respondent


ERIC PAUL
Attorney for Complainant

Issued this 4th day of 09th September, 2004


Administrative Law Judge