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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) FMIA Cocket No. 09-0088  
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Little Fork Proteins, Inc. )  
d/b/a/ Millers Custom Meats )  
and Charles K. Robinette )  
 )  
Respondents ) CONSENT DECISION and ORDER

This proceeding was instituted under Title I of the Federal Meat Inspection Act, as amended (21 U.S.C. section 601 et seq.) ("FMIA"), and the applicable Rules of Practice (7 C.F.R. section 1.130 et seq. and 9 C.F.R. section 500.1 et seq.), to withdraw Federal inspection services from Little Fork Proteins, Inc., d/b/a Millers Custom Meats, and Charles K. Robinette (hereinafter referred as Respondents). This proceeding was commenced by a complaint filed on March 27, 2008 by the Administrator of the Food Safety and Inspection Service (FSIS), United States Department of Agriculture (USDA). The parties have agreed that this proceeding should be terminated by entry of the Consent Decision and Order set forth below pursuant to the consent decision provisions of the rules of practice (7 C.F.R. section 1.138).

For the purposes of this Consent Decision, Respondents specifically admit that the Secretary has jurisdiction in this matter. Respondents neither admit nor deny the remaining allegations, waive oral hearing and further procedure and waive any action against the complainant under the Equal Access to Justice Act of 1980 (5 U.S.C. section 504 et seq.). Respondents 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

(a) Little Fork Proteins, Inc. d/b/a Millers Custom Meats, herein referred to individually as Respondent Corporation, is now and at all times material herein was, a corporation located at 3425 Railroad Street, Catlettsburg, Kentucky 41129.

(b) Charles K. Robinette, herein referred to individually as Respondent Robinette, is and at all times material herein was the President and holder of ten percent or more of voting stock of Respondent Corporation.

(c) On September 1, 2006, in the Boyd Circuit Court, Catlettsburg, Boyd County, Kentucky, Respondent Robinette, President and stock holder in Respondent Corporation, pled guilty to three felony charges, including cultivating marijuana (five or more plants), possession of a handgun by a convicted felon, and tampering with physical evidence.

(d) On January 2, 1985, in the United States District Court, Southern District of Texas, Respondent Robinette, President and stock holder in Respondent Corporation, was convicted of one felony count of possession with intent to distribute approximately 374 pounds of marijuana, in violation of 21 U.S.C. § 841(a)(1).

(e) Respondent Corporation was and has been granted federal inspection services, pursuant to the FMIA, since August 31, 1999, at the above named establishment that was and has been designated as Official Establishment Number 8022.

### Conclusion

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

### Order

Federal meat inspection services under Title I of the FMIA, are withdrawn from Respondent and Respondent Corporation's owners, officers, directors, partners, affiliates, successors, and assigns for a period of three (3) years beginning on the effective date of this Order; Provided, however, the withdrawal of inspection services shall be held in abeyance, and inspection services shall continue to be provided to Respondents for so long as the conditions set forth below, in addition to all other requirements for applicable inspection services, are met.

1. Respondent Robinette, and Respondent Corporation and its owners, officers, directors, partners, employees, agents, affiliates, successors, and assigns shall not:

- a) violate any section of the FMIA or any regulations promulgated thereunder, or state or local statutes involving the preparation, sale, transportation, distribution or attempted distribution of any meat products;
- b) commit any felony or other criminal act involving the sale or distribution of unwholesome, adulterated or misbranded meat products;
- c) willfully make or cause to be made any false entry into any accounts, records, or memoranda kept by the respondents in compliance with applicable

Federal or state statutes or regulations; neglect or fail to make full true and correct entries in such accounts, records or memoranda; or fail to keep such accounts, records or memoranda that fully and correctly disclose all transactions in Respondents' business;

✓d) assault, intimidate, threaten or interfere with, or threaten to assault, intimidate, or interfere with any program employee in the performance of his or her official duties under the FMIA;

✓e) conduct any operation requiring Federal inspection outside the official hours of operation without first submitting a written request to, and receiving written approval from, FSIS.

✓2. Respondents shall not knowingly hire or add any new individual who has been convicted, in any Federal or state court, of any felony or more than one misdemeanor based upon the acquiring, handling, or distribution of unwholesome, mislabeled or deceptively packaged food, or based upon fraud in connection with transactions in food. Respondents shall immediately terminate their connection with any such individual when that individual's conviction becomes known to Respondents.

✓3. Respondents shall comply with the Sanitation Performance Standards (SPS) and shall establish and maintain a Sanitation Standard Operating Procedure (SSOP) and a Hazard Analysis and Critical Control Point (HACCP) system in compliance with regulatory requirements specified in Title 9, Code of Federal Regulations, Parts 416 and 417.

✓4. Respondents shall maintain full, complete and accurate written records of all business activities involved in their operations under the FMIA, including the

SSOP and HACCP record requirements. Respondents shall make these records available for review and copying upon request of any authorized representative of the Secretary.

5. Within ninety days (90) of the effective date of this Order, Respondent Robinette shall participate in and successfully complete a training program or educational course encompassing ethical business practices which has received the prior approval of the Director, Evaluation and Enforcement Division (EED) of the Office of Program Evaluation, Enforcement and Review, FSIS (hereinafter, the Director, EED). Respondents shall maintain for the duration of the Order records documenting the completion of such training and shall make these records available upon request to any authorized representative of the Secretary.

6. Within sixty (60) days of the effective date of this Order, Respondents shall develop and implement a corporate code or policy statement of business conduct and ethics to ensure food safety and regulatory compliance in business practices (hereinafter "Corporate Code") applicable to all business entities and individuals within or employed by Respondents. The Corporate Code, at minimum, shall include:

- (a) a statement of company policy addressing business ethics and the public trust;
- (b) a statement of Respondents commitment to comply with all applicable Federal and State food safety and other laws in the conduct of their business;
- (c) guidelines for Respondents employees to follow with respect to food safety and ethics issues; and

(d) assurances to preclude any acts of intimidation, assault, or interference of USDA program employees.

The Corporate Code shall be submitted to the Director, EED for review and approval prior to implementation, shall be permanently displayed in a prominent location in Respondent's establishment, and shall be discussed with all current and new employees.

7. Respondents shall provide an annual report to the Director, EED regarding Respondent's compliance with all the terms and conditions of this Order, and FSIS statutory and regulatory requirements, including 9 C.F.R. Parts 416 and 417.

8. Respondents shall fully and completely cooperate with any FSIS investigation, inquiry, review or examination of Respondent or Respondents compliance with the FMA or this Order.

9. The provisions set forth in paragraphs 1 through 8 of this Order shall be effective for a period of three (3) years.

10. The Administrator, FSIS, shall have the right to summarily withdraw inspection services upon a determination by the Director of EED, or his or her designee, that one or more conditions set forth in paragraphs 1 through 8 of this Order have been violated. It is acknowledged that respondent retain the right to request an expedited hearing pursuant to the rules of practice, 9 C.F.R. Part 500, concerning any violation alleged as the basis for a withdrawal of inspection services. This does not affect complainant's right to suspend official operations in accordance with rules of practice, 9 C.F.R. Part 500. Nothing in this Order

shall preclude the referral of any such violation to the Department of Justice for possible criminal or civil proceedings, or preclude the Administrator from taking other appropriate administrative action under the FMIA, and the regulations promulgated there under.

11. If any provision of this Order is declared invalid, such declaration shall not affect the validity of any other provision herein.

This Order shall become effective upon issuance by the Administrative Law Judge.



Mr. Charles K. Robinette,  
Respondent and President  
of Respondent Little Fork Proteins, Inc.  
Frozen Foods, Inc.



Scott C. Safian  
Director, Evaluation and  
Enforcement Division, OPEER, FSIS



Garis L. Pruitt  
Attorney for Respondent  
Pruitt & Thomer



Carlyne S. Cockrum  
Attorney for the Complainant  
Office of the General Counsel

Issued this 27 day of March, 2008  
at Washington, D.C.

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Administrative Law Judge

Jill S. Clifton