

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P. & S. Docket No. D-05-0011
)	
Sun City Packing, Inc. and Ke-Long)	
"Fred" Chow,)	
)	Decision Without Hearing by Reason of
Respondents)	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 Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondents willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.) (hereinafter referred to as the "regulations"). 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).

Respondents admit the jurisdictional allegations in paragraph I of the 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. Respondent, Sun City Packing, Inc. (hereinafter, "the corporate Respondent"), is a corporation whose business mailing address is either 230 S. Nursery, Irving, Texas 75060 or 2663 Mum Drive, Richardson, Texas 75082.

2. The corporate Respondent was, at all times material herein:

a. Engaged in the business of buying livestock in commerce for purposes of slaughter; and

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

3. Ke-Long "Fred" Chow (hereinafter, "the individual Respondent"), is an individual whose mailing address is either 230 S. Nursery, Irving, Texas 75060 or 2663 Mum Drive, Richardson, Texas 75082.

4. The individual Respondent was, at all times material herein:

a. President of the corporate Respondent; and

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

5. The individual Respondent directs, manages and controls the business activities of the corporate Respondent, including the acts and practices alleged herein.

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 Sun City Packing, Inc. and Ke-Long "Fred" Chow, their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall hereinafter cease and desist from failing to pay the full amount of the purchase price for livestock within the time period required by the Act.

Respondents shall keep such accounts, records and memoranda which fully and correctly disclose all transactions conducted subject to the Act, including, but not limited to, a general ledger, accounts payable, accounts receivable and payroll ledgers, a cash receipts journal, a cash disbursement journal, deposit slips, purchase invoices, complete accounts of sale, scale tickets, check in slips, trucking records and expense records.

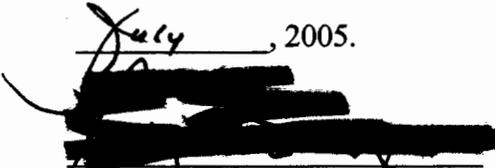
Pursuant to section 203(b) of the Act (7 U.S.C. § 193(b)), Respondents are assessed a civil penalty, jointly and severally, in the amount of Six Thousand Five Hundred Dollars (\$6,500.00), which will be paid in accordance with the terms of the Understanding Regarding Civil Penalty Payment Terms agreed to by the parties.

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

Copies of this decision shall be served upon the parties.

Issued this 8th day of

July, 2005.


Administrative Law Judge

PETER M. DAVENPORT


Ke Long "Fred" Chow, President
for Sun City Packing, Inc.


Ke Long "Fred" Chow
Respondents


Scott B. Aston
Attorney for Respondents


Andrew Y. Stanton
Attorney for Complainant