

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-07-0009  
)  
PM Beef Holdings, LLC, )  
)  
Respondent ) Decision Without Hearing by Reason  
) of Consent

RECEIVED

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 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).

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, neither admits nor denies the remaining allegations, 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. Respondent, PM Beef Holdings, LLC (hereinafter, "Respondent"), is a limited liability company organized and existing under the laws of the State of Delaware. Respondent's mailing address is PM Windom, 2850 East Highway 60, Windom, Minnesota 56101.

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. From December 31, 2003, through February 28, 2006, Respondent was insolvent, as its current liabilities exceeded its current assets. As of December 30, 2006, Respondent was solvent, as its current assets exceeded its current liabilities.

#### Conclusions

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

#### Order

Respondent, PM Beef Holdings, 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:

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

2. Issuing checks in purported payment for livestock while not having and maintaining sufficient funds on deposit and available in the account upon which they were drawn to pay such checks when presented;

3. Purchasing livestock on credit from livestock sellers without obtaining a written acknowledgment from the sellers that they were waiving their rights under the trust provisions of the Act; and

4. Purchasing livestock in commerce while insolvent, i.e., while current liabilities exceed current assets.

Pursuant to section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent is assessed a civil penalty in the amount of Twenty-Four Thousand Dollars (\$24,000.00).

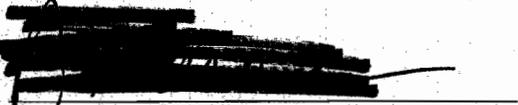
The provisions of this order shall become final and effective upon issuance.

Copies of this decision shall be served upon the parties.

Issued this 10th day of  
July, 2007.

  
Administrative Law Judge

  
for PM Beef Holdings, LLC.  
Respondent

  
Gary Jay Kushner, Esq.  
Attorney for Respondent

  
Andrew Y. Stanton  
Attorney for Complainant