

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	P. & S. Docket No. D-02-0015	<b>RECEIVED</b>
	)		
Josephine E. Bonaccurso, Inc.	)		
d/b/a Salem Packing Co., and	)		
Anthony Bonaccurso,	)		
	)		
Respondents	)	Decision	

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 the Respondents willfully violated the Act and the regulations issued thereunder. 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), hereinafter referred to as the "Rules of Practice."

The 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.

The Complainant agrees to the entry of this decision.

Findings of Fact

1. Josephine E. Bonaccurso, Inc. d/b/a Salem Packing Co., hereinafter referred to as the "Corporate Respondent," is a corporation, organized and existing under the laws of the State of New Jersey, the mailing address of which is 705 Salem-Quinton Road, P.O. Box 131, Salem, New Jersey 08079.

2. The Corporate Respondent is, and at all times material herein was:

(a) Engaged in the business of purchasing livestock in commerce for the purpose of slaughter, and of manufacturing or preparing meats or meat food products for sale or shipment in commerce; and

(b) A packer within the meaning of that term as defined in the Act and subject to the provisions of the Act.

3. Respondent Anthony Bonaccurso, hereinafter referred to as the "Individual Respondent," is, and at all times material herein was:

(a) An individual whose address is 857 Longwood Circle, Haddonfield, New Jersey 08033;

(b) The manager of the Corporate Respondent, a closely held family corporation whose sole officers and shareholders are his wife, Josephine E. Bonaccurso, who holds fifty-five percent (55%) of company stock, and his son, Samuel Bonaccurso, who holds forty-five percent (45%) of company stock;

(c) Engaged in the business of buying livestock in commerce for slaughter;

(d) Registered with the Secretary of Agriculture as a dealer to purchase livestock for slaughter; and

(c) A packer within the meaning of that term as defined in the Act and subject to the provisions of the Act.

#### Conclusions

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

#### Order

Respondents Josephine E. Bonaccorso, Inc. d/b/a Salem Packing Co., and Anthony Bonaccorso, and their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Failing to pay, when due, the full purchase price of livestock;
2. Failing to pay the full purchase price of livestock; and
3. Engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act, as amended and supplemented, and the regulations issued thereunder, without filing an adequate bond or its equivalent, as required by the Act and the regulations.

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 twenty-five thousand dollars (\$25,000.00), to be paid in accordance with the conditions detailed in the Understanding Regarding Civil Penalty Payment Terms, which was agreed to by the parties.

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.

Josephine E. Bonaccorso  
Josephine E. Bonaccorso, Inc.  
d/b/a Salem Packing Co.  
Respondent

Pres.  
Title

Anthony Bonaccorso  
Anthony Bonaccorso  
Respondent

DA R  
David A. Richman  
Attorney for Complainant

Issued this 24 day of June 2003

Jill A. Clifton  
Administrative Law Judge