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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. D-10-0081
)
Gailal Sbeta and Mohammad Mesallem,)
d/b/a Islamic Meat and Poultry,)
)
)
Respondents) Decision Without Hearing By Reason Of
Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act), by a Complaint and Notice of Hearing filed on January 22, 2010 by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondents willfully violated the Act and the regulations issued thereunder (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 applicable to this proceeding (7 C.F.R. § 1.138).

Respondents specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure in this proceeding, 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 for the purpose of settling this proceeding.

Findings of Fact

1. Islamic Meat and Poultry (hereinafter Respondent Islamic Meat) is a partnership organized and existing under the laws of the State of California. Its business mailing address is 1320 So. Aurora Street, Stockton, CA 95206.

2. Respondent Islamic Meat is, and at all times material herein was:

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

(b) Engaged in the business of manufacturing or preparing meat and meat food products for sale or shipment in commerce; and

(c) A packer within the meaning of and subject to the provisions of the Act.

3. Gailal Sbeta (hereinafter Respondent Sbeta) and Mohammed Mesallem (hereinafter Respondent Mesallem) are, and at all times material herein were, partners who owned and operated Respondent Islamic Meat and who, in their capacity as partners, were:

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

(b) Engaged in the business of manufacturing or preparing meat and meat food products for sale or shipment in commerce; and

(c) Packers within the meaning of and subject to the provisions of the Act.


Order

Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, in connection with all activities subject to the Act, shall cease and desist from failing to pay, when due, for livestock purchases, in accordance with sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a) and 228b) and section 201.43(b) of the regulations (9 C.F.R. § 201.43(b)).


Pursuant to section 203 of the Act (7 U.S.C. § 193), Respondents, jointly and severally, are assessed a civil penalty in the amount of \$4,000.00, \$3,000.00 of which will be payable immediately, upon signing by the parties of this Consent Decision, and \$1,000.00 of which will be payable within one year, at a rate of at least \$83.34 per month, until paid. Payments will be made to the "United States Treasury", and shall be sent to the following address: USDA, GIPSA, P.O. Box 790335, St. Louis, MO 63179-0335. The docket number of this proceeding, P&S Docket No. D-10-0081 shall appear on each check or money order.

The provisions of this Order shall become effective immediately upon service of this Order on the Respondents.

Copies of this decision shall be served upon the parties.


Christopher Young, Esq.
Attorney For Complainant


3-18-11
Date

Sign name: 
Print Name: Walid Mezallem
Representative For Respondents
Director

3/23/11
Date

Done at Washington, D.C.

this 28th day of May, 2011


Peter M. Davenport
Chief Administrative Law Judge