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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Park Poultry, Inc.,
d.b.a. Park Farms

Respondent

P & S Docket No D-11-0181

Decision Without Hearing by
Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondents wilfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). 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).

Respondent admits the jurisdictional allegations in paragraph I of the complaint 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 Park Poultry, Inc., d.b.a. Park Farms (Respondent Park) is an Ohio corporation whose business address is 1925 30th Street NE, Canton, OH 44705.

2. Respondent, at all times material to this Decision is
- (a) engaged in the business of obtaining live poultry by purchase or under poultry growing arrangements for the purpose of slaughter,
 - (b) shipping processed poultry products in commerce, and
 - (c) operating as a live poultry dealer subject to the provisions of the Act.

Conclusions

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

Order

Respondent, its agents and employees, directly or through any corporate or other device, in connection with its activities subject to the Act, shall cease and desist from failing to make payment according to the provisions of section 410 of the Act.

Respondent shall keep serially number scale tickets for the weighing of live poultry as required by section 401 of the Act (7 U.S.C. § 221), and section 201.108-1 of the Regulations (9 C.F.R. § 201.108-1), when Respondent uses those weights for the purpose of settlement under its poultry growing arrangements with poultry growers.


In accordance with section 411(b) of the Act (7 U.S.C. § 228b-2(b)), Respondent is assessed a civil penalty in the amount of fifteen thousand dollars (\$15,000).

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


Copies of this decision shall be served upon the parties.

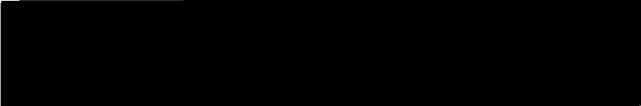
Done at Washington, D.C.

this 13 day of November, 2011


Administrative Law Judge


David C. Barrett, Jr.
Attorney for Respondent Park Poultry, Inc.


Christina Pastore-Butcher,
Chief Executive Officer
Respondent Park Poultry, Inc.


Jonathan D. Gordy
Attorney for Complainant

TRANSMISSION VERIFICATION REPORT

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Docket No. 11-0181

In re: Park Poultry, Inc.
d/b/a Park Farms,


Respondent

Order

A Consent Decision and Order having been entered this date in this action, the oral hearing scheduled to commence November 8, 2011 in Akron, Ohio is **CANCELLED.**

Copies of this Order will be served upon the parties by the Hearing Clerk.

November 4, 2011


Peter M. Davenport
Chief Administrative Law Judge