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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P & S Docket No. D-11-0327
American Beef Company, LLC)	
and)	
Vincent J. Paletta,)	
)	
Respondents)	Consent Decision

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This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.), (the Act), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, herein referred to as Complainant, alleging that Respondents willfully violated the Act. 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 admit the jurisdictional allegations in paragraph I of the Complaint 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. American Beef Company, LLC, (Respondent American Beef Company), is a corporation organized and existing under the laws of the State of Missouri. Its business mailing address is P.O. Box 40, Rockville, Missouri, 64780.
2. Vincent J. Paletta (Respondent Paletta), 100% owner of Respondent American Beef

Company is an individual. Respondent Paletta's business mailing address is the same as the address of Respondent American Beef Company set forth above.

3. Respondents, at all times material herein, were:

(1) Engaged in the business of buying livestock in commerce for the purposes of slaughter and manufacturing or preparing meats or meat food products for sale or shipment in commerce; and

(2) operating as a packer within the meaning of and 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, the decision will be entered.

Order

1. Respondents, their agents and employees, directly or through any corporate or other device, in connection with activities subject to the Act, shall cease and desist from:

a) engaging in operations subject to the Act without maintaining an adequate bond or bond equivalent as required by the Act (7 U.S.C. § 204) and section 201.29 of the regulations (9 C.F.R. § 201.29); and

b) failing to pay, within the time period required by the Act, the full purchase price of livestock as required by section 409 of the Act (7 U.S.C. § 228b).

2. In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent is hereby assessed a civil penalty of \$36,000.00, \$1,000.00 of which shall be payable immediately, and \$35,000.00 of which shall be held in abeyance for five (5) years from the date of entry of this consent decision due to Respondent's financial condition. During this five (5) year period,

neither Respondent American Beef Company, LLC, nor Respondent Paletta may operate in any capacity that requires bonding with the Packers and Stockyards Program. If, during this five (5) year period, Respondents operate subject to the Act in any capacity requiring bonding with Packers and Stockyards Program, full payment of the \$35,000 held in abeyance will become due and payable. Respondents will have ten (10) days from the date they receive written notice from the Deputy Administrator of the Packers and Stockyards Program, indicating that Respondents have violated the terms of this Order, to make full payment of the \$35,000 held in abeyance without further hearing or procedure.

By entering into this consent decision, Respondent Vincent J. Paletta, 100% owner of Respondent American Beef Company, LLC, also agrees to an amended complaint in this proceeding naming Vincent J. Paletta individually as a respondent, in addition to the named corporate respondent, American Beef Company, LLC.

The provisions of this order shall become effective on the sixth day after service of this order on the Respondent.

Copies of this decision shall be served upon the parties.

Issued in Washington D.C.

this 20th day of January, 2012

[Redacted]

Administrative Law Judge

JANICE K BULLARD

AMERICAN BEEF COMPANY LLC

[Redacted]

Respondent

[Redacted]

Brian Sylvester, Esq.
Attorney for Complainant