

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	
)	P&S Docket No. 12-0024
)	
T&J Meat Packing, Inc.,)	
)	
)	
Respondent)	Consent Decision and Order

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 Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that respondent T&J Meat Packing, Inc., willfully 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 provision of the rules of practice applicable to this proceeding (7 C.F.R. § 1.138).

The 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.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent T & J Meat Packing, Inc., is a corporation organized and existing under the laws of the State of Illinois and has a mailing address of 635 Glenwood-Dyer Road, Chicago Heights, Illinois 60411.

2. Respondent was, at all times material herein, engaged in the business of a packer buying livestock in commerce for purposes of slaughter.

Conclusions

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

Order

Respondent T &J Meat Packing, Inc., its agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from failing to pay livestock dealers or their duly authorized representatives the full amount of the purchase price for livestock before the close of the next business day following each purchase of livestock, as required by sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a) and 228b).

The respondent shall keep and maintain all accounts, records, and memoranda that fully and accurately disclose all transactions involved in its business, as required by section 401 of the Act (7 U.S.C. § 221), including copies of checks issued in payment for livestock which accurately show the dates on which such checks are issued.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondent is hereby assessed a civil penalty in the amount of eight thousand dollars (\$8,000.00). Respondent shall send a certified check or money order for two thousand dollars (\$2,000.00), payable to the Treasurer of the United States, to the U.S. Department of Agriculture, Room 2319 South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250-1400, along with this signed consent decision and order. The certified check or money order should include the docket number of this proceeding, P&S Docket No. 12-0024.

The remaining six thousand dollars (\$6,000.00) shall be paid in six (6) monthly installments of one thousand dollars (\$1,000.00) each. The first installment shall be due on or before March 1, 2012, and the remaining five (5) installments shall be due on or before the first day of each month thereafter until the civil penalty is paid in full. Each monthly installment shall be paid by a certified check or money order made payable to the Treasurer of the United States and shall be mailed to USDA GIPSA, P.O. Box 790335, St. Louis, Missouri 63179-0335. Each certified check or money order should include the docket number of this proceeding.

The provisions of this order shall become effective on the sixth day after service of this consent decision and order on the respondent.

Copies of this decision shall be served upon the parties.

[Redacted]

T&J Meat Packing, Inc.
Respondent

[Redacted]

Mr. Burton A. Padove, Esq.
Attorney for Respondent

[Redacted]

Thomas N. Bolick
Attorney for Complainant

Done at Washington, D.C.

this 16th day of February, 2012



Administrative Law Judge