

United States Department of Agriculture
Before the Secretary of Agriculture

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In re:) Docket No. D-11-0210
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)
Clair Hull d.b.a.,)
Pioneer Specialty Foods, LLC)
)
)
)
) ^{BPS} Proposed Consent Decision

This is a disciplinary proceeding under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) (Act). On April 27, 2011, a Complaint and Notice of Hearing (Complaint) was issued against Respondent Clair Hull d.b.a. Pioneer Specialty Foods, LLC (Respondent) alleging that Respondent willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§192(a) and 228b).

Complainant and Respondent have now agreed to entry of this Decision, without hearing or further procedure, 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).

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.

Findings of Fact

1. Clair Hull d.b.a. Pioneer Specialty Foods, LLC is a limited liability company organized and existing under the laws of the State of Colorado. Respondent's business mailing address is a home address. In order to protect the personal privacy of Respondent, Complainant is not providing Respondent's address in this Decision.

2. Respondent, at all times material herein, was:

- a. Engaged in the business of buying livestock in commerce for the purposes of slaughter and manufacturing or preparing meats or meat products for sale or shipment in commerce; and
- b. A packer within the meaning of and subject to the provisions of the Act.

Conclusions

Respondent 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 Respondent's activities subject to the Packers and Stockyards Act, shall cease and desist from:

- (1) failing to pay the full amount of the purchase price of livestock as required by Section 409 of the Act (7 U.S.C. § 228b);
- (2) failing to pay, when due, the full amount of the purchase price of livestock as required by Section 409 of the Act (7 U.S.C. § 228b); and
- (3) issuing checks to livestock sellers for livestock purchases with insufficient funds (7 U.S.C. § 228b).

Respondent shall further cease and desist from purchasing livestock except under the condition that Respondent deliver to the seller or his duly authorized representative the full amount of the purchase price by payment in United States currency, certified check, or by wire transfer before the close of the next business day following the purchase of livestock and transfer of possession. Additionally, when purchasing livestock, Respondent shall obtain and maintain a bond at a rate of two times the required bond. Finally, Respondent is prohibited from entering into credit agreements that would waive trust protection for livestock sellers. Such conditions shall continue for Five (5) years.

Copies of this Decision and Order shall be served on the parties. The provisions of this Order shall become effective upon issuance.

[REDACTED]

Respondent Clair Hull d.b.a. Pioneer Specialty Foods, LLC
Owner

[REDACTED]

Attorney for Respondent

[REDACTED]

Brian Sylvester
Attorney for Complainant

Issued in Washington D.C.
this 1 day of MAY, 2012

[REDACTED]

for ADMINISTRATIVE LAW JUDGE
JANICE K. BULLARD