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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P. & S. Docket No. D-12-0439
)	
EROB, Inc.,)	
)	
doing business as Eel River Organic Beef, Inc.,)	
)	
doing business as Eel River Organic Beef)	
)	
and)	
)	
Clinton J. Victorine)	
)	
)	
Respondents)	Consent Decision and Order
)	

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §§ 181 et seq.), by a Complaint and Notice of Hearing filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that respondents EROB, Inc. and Clinton J. Victorine 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 respondents admit the jurisdictional allegations in paragraph I of the Complaint and Notice of Hearing 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.

The complainant agrees to the entry of this Decision.

Findings of Fact

(1) Respondent EROB, Inc. is a corporation organized under the laws of the State of California. Respondent EROB, Inc. does business as Eel River Organic Beef, Inc. and as Eel River Organic Beef. Respondent EROB, Inc. maintains a place of business at 1725 Main Street, Fortuna, CA, 95540.

(2) Respondent Clinton J. Victorine is an individual whose business mailing address is P.O. Box 146, Hydesville, CA, 95547.

(3) Respondent EROB, Inc., under the direction, management, and control of respondent Clinton J. Victorine, is, and at all times material herein was:

(1) 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;

(2) Had average annual purchases of livestock exceeding \$500,000;
and

- (2) Failing to pay for livestock purchases the full amount of the purchase price for such livestock within the time period required by section 409 of the Act (7 U.S.C. § 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43); and
- (3) Purchasing livestock on credit unless respondents enter into credit agreements with the sellers of livestock that comply with the requirements of the Act and regulations.

Within 30 days from the effective date of this Consent Decision and Order, respondents shall terminate any and all credit agreements with livestock sellers that do not comply with the requirements of the Act and section 201.200 of the regulations (9 C.F.R. § 201.200), including, but not limited to, agreements lacking an explicit waiver of the trust provisions of section 206 of the Act (7 U.S.C. § 196). Any subsequent agreements for the purchase of livestock on credit must comply with the requirements of the Act and section 201.200 of the regulations (9 C.F.R. § 201.200).

In accordance with section 203 of the Act (7 U.S.C. § 193), respondents are assessed, jointly and severally, a civil penalty in the amount of two-thousand five-hundred dollars (\$2,500.00).

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective on the sixth day after service of this Consent Decision and Order on respondents.

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

(4) Respondent Clinton J. Victorine is, and at all times material herein was:

(1) President, Chief Executive Officer, Chief Financial Officer, and Secretary of respondent EROB, Inc.;

(2) Owner of 65% of the stock issued by respondent EROB, Inc.; and

(3) Responsible for the direction, management and control of respondent EROB, Inc.

Conclusions


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

Order


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


(1) Engaging in business subject to the Act while current liabilities exceed current assets;


Copies of this Decision shall be served upon the parties.


EROB, Inc.
By: Clinton J. Victorine, President
Respondent

President



Clinton J. Victorine, for himself
Respondent


Allison G. Jackson
Harland Law Firm, LLP
Attorney for Respondents


Krishna G. Ramaraju
Attorney for Complainant

Done at Washington, D.C.

this 31st day of May, 2012


PETER M. DAVENPORT
Administrative Law Judge