

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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| In re:               | ) |                              |
|                      | ) | P&S Docket No. D - 12 - 0127 |
| Nebraska Beef, Ltd., | ) |                              |
|                      | ) |                              |
| 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 Nebraska Beef, Ltd. 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

- (a) Nebraska Beef, Ltd., hereinafter referred to as the respondent, is a limited partnership with a business mailing address of 4501 South 36<sup>th</sup> Street, Omaha, Nebraska 68107.
- (b) Respondent is, and at all times material herein was:

- (1) Engaged in the business of buying livestock in commerce for the purposes of slaughter; and
- (2) A packer within the meaning of and subject to the provisions of the Act.

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 Nebraska Beef, Ltd., its agents and employees, directly or indirectly through any corporate or other device, shall cease and desist from failing to meet applicable accuracy tolerances established by the National Institute of Standards and Technology ("NIST") with regard to the dynamic monorail scale on the kill floor at respondent's processing plant in Omaha, Nebraska.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondent is assessed a civil penalty in the amount of fifteen thousand dollars (\$15,000.00).

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

Copies of this decision shall be served upon the parties.

Nebraska Beef, Ltd.  
Respondent,

By:

  
\_\_\_\_\_  
*UP-Administration*  
\_\_\_\_\_  
Title



Brian J. Brislen  
Attorney for Respondent



Lauren C. Axley  
Attorney for Complainant

Done at Washington, D.C.

this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Administrative Law Judge