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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. 13-0119
)
)
)
Atlantic Veal and Lamb, LLC,)
)
d/b/a Atlantic Veal and Lamb, Inc.,)
)
and)
)
Philip Peerless)
)
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 Atlantic Veal and Lamb, LLC and Philip Peerless 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

(a) Atlantic Veal and Lamb, LLC, is a business organized under the laws of the State of Ohio. Respondent Atlantic Veal and Lamb, LLC maintains a place of business and mailing address at 275 Morgan Avenue, Brooklyn, NY, 11211.

(b) Atlantic Veal and Lamb, Inc. is a business organized under the laws of the State of Delaware.

(c) Respondent Philip Peerless is an individual whose business mailing address is 275 Morgan Avenue, Brooklyn, NY, 11211.

(d) Respondent Atlantic Veal and Lamb, LLC is 100% owned by PMV Holdings, LLC.

(e) PMV Holdings, LLC is 50% owned by Atlantic Veal and Lamb, Inc.

(f) Respondent Atlantic Veal and Lamb, LLC, under the direction, management, and control of Respondent Philip Peerless at all times material herein was:

- (1) Engaged in the business of buying livestock in commerce for the purposes of slaughter and of manufacturing and preparing meats or meat food products for sale or shipment in commerce; and
 - (2) A packer within the meaning of and subject to the provisions of the Act.
- (g) Respondent Philip Peerless is and at all times material herein was:
- (1) President of Respondent Atlantic Veal and Lamb, LLC;
 - (2) Owner of 100% of the stock issued by Atlantic Veal and Lamb, Inc.; and
 - (3) Responsible for the direction, management and control of Respondent Atlantic Veal and Lamb, LLC and of Atlantic Veal and Lamb, 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 failing to pay and failing to pay, when due, the full purchase price of livestock as 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).

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 nine-thousand and five-hundred dollars (\$9,500.00).

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.

Copies of this Decision shall be served upon the parties.

[Redacted]

Atlantic Veal and Lamb, LLC
By: Philip Peerless, President
Respondent

[Redacted]

Philip Peerless, for himself
Respondent

[Redacted]

Gary J. Kushner
Hogan Lovells US LLP
Counsel for Respondents

[Redacted]

Krishna G. Ramaraju
Counsel for Complainant

Done at Washington, D.C.

this 12th day of April, 2013

[Redacted]

Peter M. Davenport
Chief Administrative Law Judge