

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P & S Docket No. 13-0066
)
Farmer Grown Poultry, LLC,)
)
Respondent) CONSENT DECISION

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (the Act), 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 the respondent willfully violated the Act and the regulations issued thereunder (9 C.F.R. § 201.1 *et seq.*). This decision is entered pursuant to the consent decision provisions 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) Farmer Grown Poultry, LLC, hereinafter referred to as respondent, is a business incorporated in the State of Iowa and located at 1047 202nd Avenue, Fort Atkinson, Iowa 52144.

(b) Respondent at all times material herein was engaged in the business as a live poultry dealer in the State of Iowa.

Conclusions

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

Order

1. Respondent shall cease and desist from paying growers not in accordance with the Packers and Stockyards Act. Respondent, as a live poultry dealer, shall pay live poultry growers in accordance with 7 U.S.C. § 228b-1(a) of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*). Each live poultry dealer obtaining live poultry by purchase in a cash sale shall, before the close of the next business day following the purchase of poultry, and each live poultry dealer obtaining live poultry under a poultry growing arrangement shall, before, the close of the fifteenth day following the week in which the poultry is slaughtered, deliver, to the cash seller or poultry grower from whom such live poultry dealer obtains the poultry, the full amount due to such cash seller or poultry grower on account of such poultry.

2. In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondent is assessed a civil penalty of seven thousand dollars (\$ 7,000.00). The respondent shall send a certified check or money order for seven thousand dollars (\$ 7,000.00) made out to "Treasurer of the United States", to the United States Department of Agriculture, Office of the General Counsel, 14th and Independence Ave., S.W., ATTN: Tracey Manoff, Room 2324, South Building, Washington, D.C. 20250-1400. The check or money order should be mailed by Federal Express, United Postal Service or any other service where delivery of mail is acknowledged.

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

Copies of this decision shall be served upon the parties.

Farmer Grown Poultry, LLC, Respondent

[Redacted]

Date: 5-30 013

Duane Bushman, Owner

[Redacted]

Date: 6-14-

Daniel L. Fretheim
Attorney for Respondent

[Redacted]

Date: 6/17/11.

Tracey Manoff
Attorney for Complainant

Issued in Washington, D.C.

This 17th day of June, 2013

[Redacted Signature]
[Redacted]
Administrative Law Judge