



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. 13-0111
)
)
J.H. Routh Packing Company,)
)
)
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.) (Act), 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 (Complainant), alleging that Respondent J.H. Routh Packing Company willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.) (Regulations). This consent decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

Respondent J.H. Routh Packing Company admits the jurisdictional allegations in paragraph I of the Complaint and Notice of Hearing 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 consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

1. J.H. Routh Packing Company (Respondent) is a corporation organized under the laws of the State of Ohio, with a mailing address of PO Box 2253, Sandusky, Ohio 44871.

2. The Respondent is, and at all times material to the Complaint and Notice of Hearing was:

(a) Engaged in the business of buying livestock in commerce for the purpose of slaughter, and of 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.

Conclusion

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

Order

Respondent J.H. Routh Packing Company, its agents and employees, directly or through any corporate or other device, in connection with its operations subject to the Act, shall cease and desist from:

1. Failing to accurately maintain the identity of each seller's livestock and the carcasses derived from the livestock in accordance with section 201.99(b) of the Regulations (9 C.F.R. § 201.99(b)) including, but not limited to, inadvertently or otherwise assigning railed-out carcasses to another producer's lot;

2. Failing to provide true written accountings of livestock transactions to sellers in accordance with section 201.99(b) of the Regulations (9 C.F.R. § 201.99(b)), including, but not

limited to, providing accountings in which Respondent substitutes weights on the kill sheet that are inconsistent with or otherwise fail to conform to the procedures, requirements, or statements made in Respondent's written carcass merit buying summary, kill sheet explanation, and/or other document which describes the procedures or manner in which carcass grading and settlement and payment is to be made, circulated to current and prospective sellers, which is currently in effect at the time of the transactions at issue;

3. Failing to make settlement and final payment for livestock on the actual hot weights in accordance with section 201.99(d) of the Regulations (9 C.F.R. § 201.99(d)), where applicable, including, but not limited to, making settlement and final payment on the basis of substituted weights that are inconsistent with or otherwise fail to conform to the procedures, requirements, or statements made in Respondent's written carcass merit buying summary, kill sheet explanation, and/or other document which describes the procedures or manner in which carcass grading and settlement and payment is to be made, circulated to current and prospective sellers, which is currently in effect at the time of the transactions at issue; and

4. Failing to otherwise operate in compliance with section 201.99 of the Regulations (9 C.F.R. § 201.99).

In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent J.H. Routh Packing Company is assessed a civil penalty in the amount of Twenty-Seven Thousand Five Hundred Dollars (\$27,500.00).

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become effective on issuance.

Copies of this decision and Order shall be served upon the parties.

Done at Washington, D.C.

this 23rd day of July, 2013

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J Jill S. Clifton
Administrative Law Judge

Respondent,
J.H. Routh Packing Company

[Redacted signature]

By _____

Title: EVP/COO

[Redacted signature]

Kimberly J. Walker
Attorney for Respondent

[Redacted signature]

Todd P. Langel
Attorney for Respondent

[Redacted signature]

Leah C. Battaglioli
Attorney for Complainant