

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) P & S Docket No. D-13-0175  
)  
Empacadora y Procesadora del Sur, Inc., )  
f/d/b/a S.J. Meat Processing, Inc., )  
)  
and )  
)  
Carlos C. Rodriguez-Alonso )  
)  
Respondents ) CONSENT DECISION

*CAF*  
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, alleging that the respondents willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*)(regulations).

Complainant and respondents have now agreed to entry of this Decision, without hearing or further procedure, pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

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; admit 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.

Findings of Fact

(1) Empacadora y Procesadora del Sur, Inc. is a corporation organized and existing under the laws of the Commonwealth of Puerto Rico. Respondent Empacadora y Procesadora del Sur, Inc.'s business address is Parque Industrial San Idelfonso, Suite 2, Coamo, PR 00769. Its mailing address and address of its registered agent, Carlos Rodriguez-Alonso, is P.O. Box 1920, Coamo, PR 00769. Respondent Empacadora y Procesadora del Sur, Inc. formally conducted business as S.J. Meat Processing, Inc.

(2) S.J. Meat Processing, Inc. is a corporation organized and existing under the laws of the Commonwealth of Puerto Rico.

(3) Respondent Carlos C. Rodriguez Alonso is an individual whose business mailing address is P.O. Box 1920, Coamo, PR 00769.

(4) Respondent Empacadora y Procesadora del Sur, Inc., formally doing business as S.J. Meat Processing, Inc., under the direction, management, and control of respondent Carlos C. Rodriguez-Alonso at all times material herein was:

- a. 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
- b. A packer within the meaning of and subject to the provisions of the Act.

(5) Respondent Carlos C. Rodriguez Alonso at all times material herein was:

- a. President of respondent Empacadora y Procesadora del Sur, Inc.;

- b. Registered agent for respondent Empacadora y Procesadora del Sur, Inc.;
- c. Owner of 100% of the stock issued by respondent Empacadora y Procesadora del Sur, Inc.; and
- d. Responsible for the direction, management and control of respondent Empacadora y Procesadora del Sur, Inc.

Conclusions

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

Order

Respondent Empacadora y Procesadora del Sur, Inc., formally doing business as S.J. Meat Processing, Inc., and respondent Carlos C. Rodriguez-Alonso, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act and regulations, shall cease and desist from:

- 1. Failing to pay the full amount of the purchase price for livestock within the time period required by the Act and the regulations promulgated under it; and
- 2. Failing to settle and make payments for livestock purchased on a carcass weight or carcass grade and weight basis on actual hot carcass weights.

Pursuant to section 203(b) of the Act (7 U.S.C. § 193(b)), respondents are assessed jointly and severally a civil penalty in the amount of thirty thousand seven hundred fifty dollars (\$30,750.00), fifteen thousand seven hundred and fifty dollars (\$15,750) of which will be held in abeyance pending respondents' compliance with the provisions of the Understanding with Respect to Civil Penalty entered into by the parties. This Order

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

Copies of this decision shall be served upon the parties.

Issued in Washington D.C.  
this 19<sup>th</sup> day of February, 2014

[Redacted Signature]

ADMINISTRATIVE LAW JUDGE

[Redacted]

Empacadora y Procesadora del Sur, Inc.,  
formally doing business as S.J. Meat  
Processing, Inc., Respondent

By [Redacted]

Title: Owner

[Redacted Signature]

Nailymar Arroyo-Colon  
Attorney for Respondent

[Redacted Signature]

Carlos C. Rodríguez-Alonso  
Respondent

[Redacted Signature]

Ciarra A. Toomey  
Attorney for Complainant