

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/OHC  
2020 FEB 12 PM4:07

In re:	)	
	)	
Salvatore Anthony DiMaria	)	P&S Docket No. 19-J-0124
and ADD Enterprises, Inc.	)	P&S Docket No. 19-J-0125
	)	
Respondents	)	Decision Without Hearing by
	)	Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act of 1921, as amended and supplemented (7 U.S.C. §§ 181 *et seq.*) (the “Act”), and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) (the “Regulations”), by a Complaint filed by the Deputy Administrator of the Agricultural Marketing Service, United States Department of Agriculture, alleging that Salvatore Anthony DiMaria and ADD Enterprises, Inc. (“Respondents”) willfully violated the Act and Regulations. This Decision Without Hearing by Reason of Consent (“Decision”) is entered pursuant to the consent decision provision of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, waive all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge’s authority to enter this Decision under the Administrative Procedure Act and the Constitution of the United States, and waive any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by Respondents in connection

with this proceeding or any action against any USDA employee in their individual capacity, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this Decision.

Complainant agrees to the entry of this consent decision.

#### Findings of Fact

1. ADD Enterprises, Inc. ("ADD") is a business incorporated under the laws of the state of Delaware and having a business address of 94 Old Brook Road, Dix Hill, NY 11746. [REDACTED]

[REDACTED] is ADD's registered agent for service, at [REDACTED]  
[REDACTED].

ADD is, and at all material times, 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.

2. Salvatore Anthony DiMaria ("DiMaria") is an individual who at all times material herein was the sole owner and CEO of ADD, with a business address of 94 Old Brook Road, Dix Hill, NY 11746.

DiMaria is, and at all material times, 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;

(b) A packer within the meaning of, and subject to the provisions of, the Act;

(c) Owner and principal officer of ADD; and

(d) Responsible for the direction, management and control of ADD.

Conclusions of Law


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


Order

1. Respondents, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, shall cease and desist from:
  - a. Engaging in operations subject to the Act but failing to pay the full purchase price of those transactions.
  - b. Engaging in operations subject to the Act but failing to pay the full purchase price of those transactions, when due.
2. In accordance with section 203(b) of the Act, (7 U.S.C. § 193(b)), Respondents are hereby assessed a civil penalty of \$1,756,464.75 of which ten thousand (\$10,000) is immediately due and payable. The remainder will be held in abeyance according to the terms of the “Understanding Regarding Consent Decision” entered between the parties.

Copies of this Decision and Order shall be served on the parties. The provisions of this

Order shall become effective upon service on Respondent.


  
Salvatore Anthony DiMaria  
For himself and ADD Enterprises, Inc.  
Respondents

  
ROBERT G. HIBBERT  
Morgan, Lewis & Bockius LLP  
Attorney for Respondents

  
BRIAN T. HILL  
Attorney for Complaint

Issued in Washington D.C.

this 12 day of Feb, ~~2019~~ 2020

 for

Chief Administrative Law Judge

Channing D. Strother