

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/DHC
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In re:) P&S Docket No. D-19-J-0136
)
)
7 S Packing, LLC,)
dba Texas Packing Company,)
)
Respondent) Consent Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*)(the Act), by a Complaint filed on August 12, 2019, by the Deputy Administrator, Fair Trade Practices Program (Packers and Stockyards Division), Agricultural Marketing Service, United States Department of Agriculture, alleging that 7 S Packing, LLC, doing business as Texas Packing Company, (Respondent) willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*)(the regulations). 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).

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; waives 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 and Order under the Administrative Procedure Act and the Constitution of the United States, and waives 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 Respondent in connection with this

proceeding or any action against any USDA employee in their individual capacity. The parties 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. Respondent is a limited liability company whose business mailing address is 1809 N. Bell Street, San Angelo, Texas 76903.

2. Respondent is, and at all times material herein, was:

(a) Engaged in the business of buying livestock in commerce for the purposes of slaughter; and

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

Conclusions

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

Order

Respondent, by and through its agents and employees, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock for any future livestock purchases, if any.

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of Seven Hundred and Ninety-Seven Thousand Nine Hundred Seventy-Five Dollars and Fifty-Five Cents (\$797,975.55). The civil penalty, however, will be reducible dollar-for-dollar by restitution made by Respondent to their unpaid livestock suppliers, in accordance

with an Understanding Regarding Civil Penalty Payment Terms agreed to and ratified by the parties.

If Respondent fails to satisfy the terms of the Understanding, the amount of the civil penalty, for which restitution has not been made, will become due and payable immediately, upon application of Complainant to the Administrative Law Judge, without further procedure. If Respondent satisfies the terms of the Understanding, Complainant shall request that the Administrative Law Judge issue an order reducing the civil penalty dollar-for-dollar for restitution made.

The Administrative Law Judge shall retain jurisdiction in this matter for the purpose of assessing the appropriate civil penalty, upon application of the Complainant as described herein. The provisions of this order shall become effective on the sixth day after service of this order on the Respondent.

Copies of this decision shall be served upon the parties.



7 S Packing, LLC, dba
Texas Packing Company



Clayton E. Bailey
Attorney for Respondent

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Date: 2020.11.23 09:57:33
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Buren W. Kidd
Attorney for Complainant

Issued this 24th day of November



Channing D. Strother
Chief Administrative Law Judge