

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
)
ZYG Enterprises, Inc., d/b/a S. I Bukhari) P&S-D Docket No. 20-J-0156
/WaQas Muslim Slaughter House; and)
Zeeshan Qazi,) P&S-D Docket No. 20-J-0157
)
Respondents.)

DECISION AND ORDER WITHOUT HEARING BY REASON OF DEFAULT

Appearance:

Buren W. Kidd, Esq., with the Office of the General Counsel, United States Department of Agriculture, Washington, DC, for the Complainant, Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service (“AMS”).

Preliminary Statement

This is a disciplinary proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. §§ 181 *et seq.*) (“P&S Act”); the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. §§ 201.1 *et seq.*) (“Regulations”); and the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §§ 1.130 through 1.151) (“Rules of Practice”).

The Complainant, Deputy Administrator, Fair Trade Practices Program, Agricultural Marketing Service (“AMS”), United States Department of Agriculture, initiated this proceeding against Respondents ZYG Enterprises, Inc., doing business as S. I Bukhari\WaQas Muslim Slaughter House, and Zeeshan Qazi by filing a complaint on September 2, 2020. The Complaint alleged that Respondents violated the P&S Act and the Regulations when, during the period on or about August 13, 2018, through on or about August 26, 2018, in three (3) transactions involving one (1) livestock seller, Respondents purchased livestock for a total purchase price of

\$100,905.60, but failed to pay the full purchase price of the livestock; and during the period on or about March 11, 2018 through on or about July 22, 2018, in sixteen (16) transactions involving one (1) livestock seller, Respondents purchased livestock for a total amount of approximately \$204,018.93, and failed to pay, when due, the full purchase price of livestock.

Respondent was duly served with a copy of the Complaint and did not file an answer within the twenty-day period prescribed by section 1.136 of the Rules of Practice (7 C.F.R. § 1.136).¹

On October 14, 2020, Complainant filed a Motion for Decision Without Hearing by Reason of Default (“Motion for Default”) and Proposed Decision Without Hearing by Reason of Default (“Proposed Decision”). Respondent has not filed any objections to Complainant’s Motion for Default or Proposed Decision.²

Failure to file a timely answer or failure to deny or otherwise respond to allegations in the Complaint shall be deemed, for purposes of this proceeding, an admission of the allegations in the Complaint, unless the parties have agreed to a consent decision. 7 C.F.R. § 1.136(c). Other than a consent decision, the Rules of Practice do not provide for exceptions to the regulatory

¹ United States Postal Service records reflect that the Complaint was sent to Respondent’s President and 100% shareholder via certified mail and delivered on September 15, 2020. Respondent had twenty (20) days from the date of service to file a response. 7 C.F.R. § 1.136(a). Weekends and federal holidays shall be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following workday. 7 C.F.R. § 1.147(h). In this case, Respondent’s answer was due on or before October 5, 2020. Respondent has not filed an answer in this matter.

² United States Postal Service records reflect that the Motion for Default and Proposed Decision were sent to Respondent’s President and 100% shareholder via certified mail and delivered on November 2, 2020. Respondent had twenty (20) days from the date of service to file objections thereto. 7 C.F.R. § 1.139. Weekends and federal holidays shall not be included in the count; however, if the due date falls on a Saturday, Sunday, or federal holiday, the last day for timely filing shall be the following workday. 7 C.F.R. § 1.147(h). In this case, Respondent’s objections were due by November 23, 2020. Respondent has not filed any objections.

consequences of an untimely filed answer where, as in the present case, no meritorious objections have been filed.³

As Respondent failed to answer the Complaint, and upon Complainant's motion for the issuance of a decision without hearing by reason of default, this Decision and Order is issued without further procedure or hearing pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Respondent ZYK Enterprises, Inc., doing business as S. I. Bukhari\WaQas Muslim Slaughter House (Respondent ZYK), is a corporation whose business mailing address is 17658 W. Snoqualmie River Road NE, Duvall, WA 98019.
 - a. Respondent ZYK is, and at all times material herein, was:
 - i. Engaged in the business of buying livestock in commerce for the purposes of slaughter; and
 - ii. A packer within the meaning of and subject to the provisions of the P&S Act.
2. Zeeshan Qazi (Respondent Qazi) is an individual whose current address is in the State of Washington. His address will not be stated to protect Respondent Qazi's privacy but will be provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service.
 - a. Respondent Qazi is, and at all times material herein, was:
 - i. President and 100% owner/shareholder of Respondent ZYK;
 - ii. Responsible for the day-to-day direction, management, and control of Respondent ZYK;

³ 7 C.F.R. § 1.139; *see supra* note 2.

- iii. Engaged in the business of buying livestock in commerce for the purposes of slaughter; and
 - iv. A packer within the meaning of and subject to the provisions of the Act.
3. On July 7, 2014, the Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration sent Respondents a Notice of Violation (NOV), via certified mail, informing Respondents that Respondents had failed to pay for livestock purchases when due during the period of August 21, 2013, through November 25, 2013, in violation of Section 409(a) (7 U.S.C. § 228b(a)) of the P&S Act, as amended and supplemented. The NOV further informed Respondents that failure to pay for livestock by close of the next business day is a violation of the P&S Act and Regulations and that failure to correct its business practices and bring them into statutory and regulatory compliance could subject them to disciplinary action. Notwithstanding the NOV, Respondents continued to engage in business as a packer buying livestock in commerce without paying, when due, the full purchase price of the livestock, as required by the Act.
 4. During the period on or about August 13, 2018, through on or about August 26, 2018, in three (3) transactions involving one (1) livestock seller, Respondents purchased livestock for a total purchase price of \$100,905.60, but failed to pay the full purchase price of the livestock. To date, upon information and belief, \$8,722.60 remains unpaid.
 5. During the period on or about March 11, 2018 through on or about July 22, 2018, in sixteen (16) transactions involving one (1) livestock seller, Respondents purchased livestock for a total amount of approximately \$204,018.93, and failed to pay, when due, the full purchase price of livestock. Respondents paid for these transactions between eight (8) and twenty-eight (28) days late.

Conclusions

1. The Secretary of Agriculture has jurisdiction in this matter.
2. By reason of the facts above, Respondents willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a) and 228b) and, therefore, the following Order is issued.

ORDER

1. Complainant's Motion for Decision Without Hearing by Reason of Default is GRANTED.
2. Respondents, their agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from engaging in operations subject to the act without paying timely for each and every livestock transaction and purchase from sellers of livestock.
3. Respondents are, jointly and severally, assessed a \$36,000.00 civil penalty, to be paid immediately upon the final and effective date of this order. The payment shall be a check or money order payable to the United States Treasury and include the docket number of this proceeding in the memo line. The payment shall be sent to the following address:

USDA, Fair Trade Practices Program
Packers and Stockyards Division
P.O. Box 979064
St. Louis, MO 63197-9000

This Decision and Order shall be final and effective without further proceedings thirty-five (35) days after service unless an appeal to the Judicial Officer is filed with the Hearing Clerk within thirty (30) days after service, as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139 and 1.145).

Copies of this Decision and Order shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.,
this 2nd day of December 2020

A solid black rectangular box redacting the signature of Channing D. Strother.

Channing D. Strother
Chief Administrative Law Judge

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