

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	
Murray Bresky Consultants, LTD,)	P&S Docket No. D- 21-J-0013
)	
Respondent)	Consent Decision

This proceeding arises under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Packers and Stockyards Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201 *et seq.*)(regulations). A Complaint was filed by the Deputy Administrator, Fair Trade Practices Program (Packers and Stockyards Division), Agricultural Marketing Service, United States Department of Agriculture, alleging that Murray Bresky Consultants, LTD (Respondent) willfully violated sections of the Packers and Stockyards Act and its attendant regulations. Complainant and Respondent have 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) (Rules of Practice).

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 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; 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 Decision.

Findings of Fact

(1) Respondent is a Limited Liability Company organized under the Laws of the State of New York, doing business as "Murray's Chicken". Respondent's registered office, principal place of business, and mailing address is at 5190 Main St. PO Box 13, South Fallsburg, New York, 12779.

(2) At all times material herein, Respondent was engaged in the business of a live poultry dealer, as that term is defined and used in the Act and the regulations promulgated thereunder.

Conclusions

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

Order

Respondent, its agents and employees, successors and assigns, directly or through any device, in connection with Respondent's activities subject to the Packers and Stockyards Act, shall cease and desist from purchasing poultry in commerce and failing to pay or failing to pay, when due, the full purchase price of such livestock as prescribed by sections 410 of the Packers and Stockyards Act (7 U.S.C. § 228b-1) and section 201.43 of the regulations (9 C.F.R. § 201.43).

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective upon on the sixth (6th) day after service of this ~~Consent Decision~~ and Order on Respondent.

[Redacted]

✓ Dean Koplik
Chief Operating Officer
For: Murray Bresky Consultants, LTD
Respondent

[Redacted]

John G. Dillard
Olsson Frank Weeda Terman Matz PC
Attorney for Respondent

CHRISTOPHER YOUNG
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CHRISTOPHER YOUNG
Date: 2021.01.15
10:58:16 -05'00'

Christopher Young
Attorney for Complainant

Done at Washington, D.C.,
this 15th Day of January, 2021

[Redacted]

Channing D. Strother
Chief Administrative Law Judge