

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P&S Docket No. D-19-J-0136
)
)
7 S Packing, LLC,)
dba Texas Packing Company,)
)
Respondent) Supplemental Consent Decision Order

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). On December 2, 2020, an Amended Consent Decision was entered pursuant to the consent decision provision of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The Consent Decision ordered, *inter alia*, that Respondent, 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 failing to pay, when due, the full purchase price of livestock. The Decision further ordered that accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent was 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). Per the Order, the civil penalty was 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.


The Consent Decision stated that if Respondent satisfied 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.

At this time, Respondent has paid \$797,975.55 to the livestock sellers listed in the Complaint and in the Understanding Regarding Civil Penalty Payment Terms. Therefore, as stated above, the civil penalty of \$797,975.55 is reduced to \$0.

All of the Cease and Desist provisions of the December 2, 2020 Order will remain in full effect. 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.

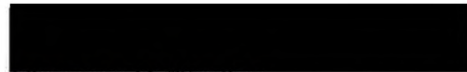

Texas Packing, LLC, dba
Texas Packing Company


Clayton E. Bailey
Attorney for Respondent

BUREN KIDD Digitally signed by BUREN KIDD
Date: 2021.03.24 08:19:39 -04'00'

Buren W. Kidd
Attorney for Complainant

Issued this 24th day of March


Channing D. Strother
Chief Administrative Law Judge