

14. Prior to the resumption of Federal inspection services, and subject to verification by FSIS,

Respondent shall:

- a. Designate, in writing, two full-time employees, one as a principal and the other as an alternate, who shall be responsible for the overall implementation, coordination, documentation, monitoring, recordkeeping, review and maintenance of the facility's SPS, SSOPs, and HACCP plans, Recall of Meat Products Plan, *E. coli* Biotype I sampling and testing programs, Pest Management Program, Planned Improvement Program (PIP), other written sanitation, recordkeeping procedures, process controls, corrective actions, and sampling or testing programs required by regulation or this Order. The designated principal and alternate shall have completed, prior to the resumption of inspection services, a course of instruction in the seven principles of HACCP, SSOP, and shall be present at all times when operations requiring inspection are conducted; and
- b. Provide a detailed summary of the authority and responsibilities that the designated principal and alternate are granted with respect to actions taken in the establishment.

15. Respondent shall not conduct any processing operations in the absence of said designated principal or alternate. The designated principal and alternate shall have authority to hold up production, stop production, remove product from production, or take positive control of any products produced, processed, packed, or stored at the establishment that are or are believed to be adulterated or misbranded, or when facility sanitation or production deficiencies are observed. Respondent may name a new designated principal and alternate employee or employees upon written notification to the FSIS.

### **Management and Employee Training**

16. Prior to the resumption of inspection services, and subject to verification by FSIS, Respondent shall develop a training program for all current employees and future hires involved in the preparation, processing, and/or production of meat and meat food products to ensure that employees are trained in all aspects of food safety measures and regulatory requirements applicable to their job responsibilities, including the requirements of the SPS and SSOP programs, HACCP plans, Recall of Meat Products Plan, *E. coli* Biotype sampling and testing programs, Pest Management Program, Planned Improvement Program (PIP), other written sanitation, process controls, recordkeeping procedures, corrective actions, and sampling or testing programs, and recordkeeping procedures relevant to each employee's position. Respondent will provide copies of all training materials to FSIS for review and evaluation prior to training employees.
17. Respondent shall, within thirty (30) days from the effective date of this Order, and subject to verification by FSIS, train all such current employees consistent with the requirements of paragraph 19 of this Order.
18. Respondent shall train and educate any new employee(s), consistent with the requirements of this Order, within thirty (30) calendar days of the first date(s) of employment.
19. Respondent shall conduct annual training for all employees and management personnel, current and new, involved in the preparation, processing, and/or production of meat and meat products, consistent with statutory and regulatory requirements 9 C.F.R. § 303, 307, 309, 310, 313, 416 and 417, 418, and the requirements of this Order.

20. Respondent shall document and maintain all training and education materials, certifications, training records, test results, and other materials for all training required by paragraphs 16 through 19 of this Order and make these records available to FSIS personnel for review and/or copying upon request.

### **Third Party Audit Provisions**

21. The Respondent shall, upon resumption of Federal inspection services, cause to be made, by a qualified, independent third-party, who is subject to ELD concurrence, written audits of: (a) the Respondent's implementation, monitoring, and maintenance of its sanitation, SSOP, HACCP plans, other process controls and other programs or plans; (b) the effectiveness of Respondent's sanitation program, SSOPs, HACCP plans, other process controls and other programs or plans to ensure food safety; (c) compliance with FSIS statutory and regulatory requirements, (d) compliance with the terms of this Order; and (d) any findings and recommendations of the independent third-party.

22. The audits shall be conducted, at least as frequently, as follows: (a) the first audit shall be conducted within ninety (90) calendar days from the effective date of this Order; (b) subsequent audits shall be conducted every (180) calendar days thereafter for the duration of this Order.

23. Prior to any audits being conducted, Respondent shall submit the name and qualifications of the independent third-party auditor to the Director, ELD, for concurrence. The Director, ELD, shall not withhold concurrence, absent good cause.

24. For the purposes of paragraphs 21 through 26 and this paragraph, an independent third-party shall be a person, entity, or corporation free from bias and absent from a conflict of interest with the Respondent. Specifically, the person, entity, or corporation conducting an audit (a) shall not be a

current or former officer, director, employee, affiliate, contractor, representative, or agent of Respondent and (b) shall serve the Respondent only in the limited capacity of executing the audit duties detailed in paragraphs 21 through 26. If the Director, ELD, has good cause to believe that an audit was conducted by a person, entity, or corporation otherwise employed by or affiliated with Respondent or with a present bias or a conflict of interest, any written audit and report of the audit shall be deemed disqualified for the purposes of complying with this Order.

25. The Respondent shall prepare, for each audit conducted, a written response to the audit findings and recommendations. The Respondent's written response shall identify: (a) any modifications to its SSOPs, HACCP plans, other process controls and other programs or plans; (b) any corrective actions implemented; (c) any other actions implemented or planned in response; and (d) supportable information for any decision by Respondent to not implement any audit recommendation.

26. Respondent shall submit a copy of each third-party audit, a copy of Respondent's written response, or other documents related to the audit to the Director ELD for review and concurrence within (30) calendar days after each audit is completed.

### **Record Keeping Provisions**

27. Respondent shall maintain full, complete, and accurate copies of (a) all records required to be maintained by the FMIA, and the regulations; (b) all records required to be maintained under applicable Federal, State, and local statutes; and (c) all plans and records of its SPS and SSOP programs, HACCP plans, Recall of Meat Products Plan, *E. coli* Biotype sampling and testing programs, Pest Management Program, Planned Improvement Program (PIP), other written sanitation, process controls, recordkeeping procedures, corrective actions, and sampling or



testing programs or other systems, programs, or plans required by the FMIA, and the regulations of this Order.

28. Respondent shall immediately notify FSIS program personnel and Director of ELD for review and concurrence of any changes or modifications to its SSOPs, HACCP plans, other systems, programs, or plans required by regulation or by this Order, and all associated recordkeeping forms.

29. Respondent shall make all records regarding its federally inspected establishment or other regulated business or business activities at said establishment available to FSIS personnel for review and/or copying, in accordance with the applicable statutes and regulations.

#### **Non-Intimidation, Harassment, and Interference Standards of Conduct**

30. Respondent and any and any of its owners, officers, directors, partners, employees, agents, successors, affiliates, or assigns shall not assault, intimidate, impede, threaten or interfere with any program employee in the performance of his or her official duties under the FMIA or regulations promulgated thereunder.

31. The Respondent and any and any of its owners, officers, directors, partners, employees, agents, successors, affiliates, or assigns shall display commitment to maintain a safe work environment where mutual respect and the ability to work together productively are supported and precludes any acts of assault, threats of assault, intimidation, resistance, or interference. Respondents' commitment shall promote communications and exchanges between Respondents' managers and employees and FSIS personnel that are professional, respectful, business-like, non-threatening, and non-offensive.

#### **General Provisions**

32. Respondent and any of its owners, officers, directors, partners, employees, agents, successors, affiliates, or assigns shall not:

- a. Violate any section of the FMIA or regulations promulgated thereunder, any State or local statute involving the preparation, sale, transportation, or attempted distribution of any adulterated, non-inspected, misbranded or deceptively packaged meat products;
- b. Commit any felony or fraudulent act or other criminal act involving fraud, conspiracy, bribery, or any other act or circumstances indicating a lack of integrity needed for the conduct of operations affecting public health;
- c. Willfully make or cause to be made any false entry into any accounts, records, reports, or memoranda kept by respondent in compliance with Federal, State or local statutes or regulations or this Order; neglect or fail to make full, true, and correct entries in such accounts, records, reports or memoranda; and fail to keep such accounts, records, reports, or memoranda that fully and correctly disclose all transactions in respondent's business;
- d. Conduct any operation requiring Federal inspection outside respondent's official hours of operations without first submitting a written request to, and receiving written approval from FSIS.

33. Respondent shall fully and completely cooperate with any FSIS investigation, inquiry, review, or examination of respondent's compliance with the FMIA or this Order.

#### **Enforcement Provisions**

34. The Administrator, FSIS, may summarily withdraw the grant of Federal inspection

from Respondent upon a determination by the Director, ELD, or his her designee, that one or more conditions set forth in paragraphs 1 through 32 of this Order have been violated. It is acknowledged that the Respondent retains the rights to request an expedited hearing pursuant to the rules of practice concerning any violation alleged as the basis for a summary withdrawal of Federal inspection services. Nothing contained in these provisions prevents the right of the Respondent to appeal the decision of an FSIS employee to his/her immediate supervisor pursuant to 9 C.F.R. § 306.5.

**Miscellaneous Provisions**

35. Nothing in this Order shall preclude (a) any future criminal, civil, regulatory or administrative action authorized by law, regulation or otherwise, including, but not limited to any action under the FSIS Rules of Practice (9 C.F.R. Part § 500), or (b) the referral of any matter to any agency for possible criminal, civil, or administrative proceedings.


36. If any provision of this Order is declared invalid, such declaration shall not affect the validity of any other provision herein.

37. This Order shall become effective upon issuance by the Administrative Law Judge. The provisions of this Order shall be applicable for a period of three (3) years from the date of resumption of operations.

**Lebanese Butcher Slaughter House,  
Inc.**  
Respondent

  
**Khedet Rababeh**, Owner  
Lebanese Butcher Market of VA, Inc.

**Food Safety Inspection Service (FSIS),**  
Complainant

  
**Scott C. Safian**, Director  
Enforcement and Litigation Division  
Food Safety Inspection Service  
U.S. Department of Agriculture

[Redacted]

**Michael Hadeed**  
Attorney for Respondent  
*Virginia State Bar #24589*

[Redacted]

**Tracey Manoff**  
Attorney for Complainant  
Office of the General Counsel  
U.S. Department of Agriculture

Issued this 14<sup>th</sup> day of February, 2017  
at Washington, D.C.

[Redacted]

*[Signature]*  
Administrative Law Judge