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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	P&S Docket No. - 16-0143
Noah's Ark Processors, LLC.,)	
)	
Respondent)	Decision without Hearing by Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), by a complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Respondent, Noah's Ark Processors, LLC (hereinafter "Respondent") willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.; hereinafter "Regulations"). This Consent Decision is entered pursuant to the Consent Decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138; hereinafter "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, waive oral hearing and further

procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this Consent Decision.

Finding of Facts

(1) Noah's Ark Processors, LLC. (Respondent) is a Limited Liability Company registered in the State of Minnesota. Respondent's business operating and mailing address is 1009 West M St. Hastings, Nebraska 68901.

(2) Respondent at all times material herein was:

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

(b) Engaged in the business of manufacturing or preparing meat and meat food products for sale or shipment in commerce; and

(c) 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 Consent Decision, such Consent Decision will be entered.

Order

Respondent, his agents and employees, directly or indirectly through any corporate or other device, in connection with his operations subject to the Act, shall

cease and desist from failing to maintain the proper bond or bond equivalent as required in section 202(a) of the Act (7 U.S.C. § 192) and section 201.29 of the Regulations (9 C.F.R. § 201.29).

In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondent is hereby assessed, jointly and severally, a civil penalty in the amount of ten thousand dollars (\$10,000.00). Five thousand of which is due immediately upon the filing of this consent decision and the remaining five thousand (\$5,000) will be due within three months of the filing date of this consent decision and will be sent via certified check or money order to:

USDA – GIPSA Lock Box
P.O BOX 790335
ST. LOUIS, MO 63179-0335

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 on the sixth (6th) day of this Consent Decision and Order on the respondents (7 C.F.R. § 1.138).

Copies of this Consent Decision and order shall be served upon the parties.

Done at Washington, D.C.

this 30 day of November, 2016


Administrative Law Judge



Mr. Steven Krausmen
Manager,
Noah's Ark LLC.
Respondent



Mr. Ephraim A. Bulow
Attorney for Respondent



William K. Brake
Attorney for Complainant

CERTIFICATE OF SERVICE

Noah's Ark Processors, L.L.C. Respondent

Docket: 16-0143

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct and this is to certify that a copy of the DECISION WITHOUT HEARING BY REASON OF CONSENT has been furnished and was served upon the following parties on November 3, 2016 by the following:

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Respectfully Submitted,



Caroline Hill, Assistant Hearing Clerk
USDA/Office of Administrative Law Judges
Hearing Clerk's Office, Rm. 1031-S
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