

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

) P & S Docket No. 16-0047
Issac Wiesenfeld & Elias Wiesenfeld,) P & S Docket No. 16-0048
)
)
) ORDER GRANTING REQUEST FOR
) MODIFIED DEFAULT DECISION AND
Respondents) ORDER

On October 28, 2016, I issued a Default Decision and Order, which found that the respondents willfully violated provisions of the Packers and Stockyards Act, 1921, (PSA) as amended and supplemented (7 U.S.C. § 181 *et seq.*). This proceeding was instituted under the PSA by a complaint filed on February 10, 2016, by the Deputy Administrator, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the respondents violated the PSA by purchasing live poultry from individuals and business entities and failing to pay and/or failing to pay when due for such poultry. I assessed a civil penalty for each respondent of sixteen thousand dollars (\$16,000.00). The parties now agree to reduce the civil penalty for each respondent to ten thousand dollars (\$10,000.00) with new payment instructions. Accordingly, I hereby vacate the Order issued on October 28, 2016, and substitute the following Order in its place.

ORDER

The respondents, his agents and employees, assigns or successors, directly or through any corporate or other device, in connection with activities subject to the Act, shall do the following:

1. Respondents shall cease and desist from paying growers not in accordance with the Packers and Stockyards Act. Respondents, as a live poultry dealer, shall pay live poultry growers in accordance with 7 U.S.C. § 228b-1(a) of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*). Each live poultry dealer obtaining live poultry by purchase in a cash sale shall, before the close of the next business day following the purchase of poultry, and each live poultry dealer obtaining live poultry under a poultry growing arrangement shall, before, the close of the fifteenth day following the week in which the poultry is slaughtered, deliver, to the cash seller or poultry grower from whom such live poultry dealer obtains the poultry, the full amount due to such cash seller or poultry grower on account of such poultry.

2. In accordance with section 411(b) of the Act (7 U.S.C. § 228b-2(b), each respondent is assessed a civil penalty of ten thousand dollars (\$10,000.00). Respondent Issac Wiesenfeld shall pay a civil penalty of ten thousand dollars (\$10,000.00) and respondent Elias Wiesenfeld shall pay a civil penalty of ten thousand dollars (\$10,000.00). The civil penalty is divided into two payments. Each respondent shall pay five thousand dollars (\$5,000.00) by March 1, 2017 and five thousand dollars (\$5,000.00) by June 1, 2017. The time to pay will not be extended for any circumstances, and any non-payment will be immediately referred to for debt collection. Each respondent shall send a certified check or money order made out to “Treasurer of the United States”, with the docket number, to the following address: USDA-GIPSA, Lockbox, PO 790335, St. Louis, MO 63197-0335. The docket number for Elias Wiesenfeld is 16-0048 and the docket number for Issac Wiesenfeld is 16-0047.

3. The provisions of this order shall become effective on the sixth day after service of this order on respondent.

Copies of this decision shall be served upon the parties.

Issued in Washington, D.C.

This 8 day of FEB, 2017



Administrative Law Judge

Jill S. Clifton