

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) Docket No. 16-0005
)
D & H Meats, LLC,)
Jared L. Fry,)
)
Respondents) DEFAULT DECISION AND ORDER

Complainant respectfully moves for the adoption of the attached Default Decision and Order which finds that the respondents are unfit to engage in any business requiring federal inspection services under Title I of the FMIA and within the meaning of Section 401 of the FMIA (21 U.S.C. § 671); therefore, the Secretary of Agriculture may refuse to provide federal inspection services to respondents under Title I of the FMIA. This disciplinary proceeding was instituted under the Federal Meat Inspection Act (“FMIA”) as amended, (21 U.S.C. § 601 et seq.) by a complaint filed on October 6, 2015, by the Administrator, Food Safety and Inspection Service (“FSIS”) United States Department of Agriculture, alleging that the respondents were unfit to engage in any business requiring federal inspection services as respondent Jared L. Fry, sole owner and responsibly connected with respondent D & H Meats, LLC, a business entity located in Ohio, entered a consent entry of guilt to two state misdemeanor charges for violations of state meat inspection laws.

The Complainant and a copy of the Rules of Practice Governing formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130) (Rules of Practice) was served upon respondents at 400 S. Blanchard Street, Vanlue, Ohio 45890 on October 14, 2015 by certified mail and signed for by Ms. Jennifer Fry. Respondents

were informed in the Complaint and the accompanying letter of service that an Answer should be filed pursuant to the rules of practice and that failure to answer would constitute an admission of all the material allegations contained in the complaint and a waiver of hearing.

As respondents failed to file an answer denying the allegations contained in the Complaint as required by 7 C.F.R. § 1.136(b), the respondents are deemed to have admitted the following:

1. D & H Meats, LLC, respondent business, is now an applicant for federal meat inspection services located at 400 S. Blanchard Street, Vanlue, Ohio 45890.

2. Respondent Jared L. Fry is an applicant for federal meat inspection services and sole owner and responsibly connected with D & H Meats.

3. On or about April 6, 2015, respondents submitted an application for a grant of Federal inspection services under the FMIA.

4. On January 21, 2015, in the case State of Ohio v. Jared L. Fry, Findlay Municipal Court, Findlay, Ohio (Case number 2014-CRB-1050-A, B, & C), the defendant entered a plea of “no contest” with consent entry of guilt to two charges:(1) Meat Inspection/Prohibition in violation of ORC 918.11 and (2) Rules to Administer Meat Inspection, in violation of ORC 918.04. The court entered judgment on the plea and ordered the defendant to pay a \$500.00 fine and court costs.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Respondents are unfit to engage in any business requiring federal inspection services under Title 1 of the FMIA within the meaning of Section 401 of the FMIA (21 U.S.C. § 671),

therefore, the Secretary of Agriculture may refuse to provide federal inspection services to respondents under Title 1 of the FMIA..

Pursuant to the Rules of Practice governing procedures under the Act, this Order shall become final without further proceedings thirty-five (35) days after service thereof, unless appealed to the Secretary by a party to the proceedings within thirty (30) days after service as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139 and 1.145).

Copies of this Decision shall be served upon the parties.

Issued in Washington, D.C.
This 14th day of July, 2016



Administrative Law Judge

[Handwritten signature]