

GIPSA Complaint Issued Against Jerry Hayes Meats, Inc., And Jerome A. Hayes

WASHINGTON, July 29, 2003 - On July 18, 2003, USDA's Grain Inspection, Packers and Stockyards Administration (GIPSA) issued an administrative complaint against Jerry Hayes Meats, Inc. (Hayes Meats), of Newark Valley, N.Y. and Jerome A. Hayes (Hayes) of Vestal, N.Y.

The complaint alleges Hayes Meats under the direction, management, and control of Hayes, violated the Packers and Stockyards Act (P&S Act) and regulations by (1) continuing to engage in the business of a packer without maintaining an adequate bond or its equivalent after being notified by certified mail that the surety bond maintained in connection with its livestock purchases was terminated; (2) issuing insufficient funds checks for livestock purchased for slaughter; (3) failing to pay livestock sellers when payment was due; (4) failing to pay for livestock purchases; and (5) failing to keep accounts, records, and memoranda which fully and correctly disclose all the transactions involved in its business as a packer. Hayes Meats and Hayes were named in a disciplinary action in 1995 in which they were ordered to stop these same practices and were assessed a \$10,500 civil penalty.

The complaint further alleges that Hayes is the alter ego of Hayes Meats because Hayes is the president and 100 percent owner of Hayes Meats and is responsible for its direction, management, and control.

Hayes Meats and Hayes have 20 days from receiving the complaint to file an answer to the allegations outlined in the complaint. Failure to file an answer within the time allowed will constitute an admission of the allegations. A denial of the allegations will result in an oral hearing. If the allegations are admitted, or proven in an oral hearing, Hayes Meats and Hayes may be ordered to stop violating the P&S Act and assessed a civil penalty.

The P&S Act is a fair trade practice and payment protection law that promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.

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