

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USDA
OCT 11/10

In re:)
MBA Poultry, LLC, and)
Mark A. Haskins,)
Respondents)

P. & S. Docket No. D-04-0010-3 P 3 10

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Decision as to Respondent Mark A. Haskins

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) by a Complaint and Notice of Hearing filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, GIPSA, United States Department of Agriculture, alleging that the Respondents wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent Mark A. Haskins 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, waives oral hearing and further procedure, and consents and agrees, 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 action.

Findings of Fact

1. Respondent MBA Poultry, LLC, hereinafter Respondent MBA, is a Nebraska limited liability company whose business address at all times material herein was 333 South 3rd Street, Tecumseh, NE 68450.
2. The current mailing address of Respondent MBA, as a debtor under Chapter 7 of the Bankruptcy Code, is: MBA Poultry, LLC, c/o James J. Stumpf, Trustee, 11623 Arbor St., # 100, Omaha, NE 68144.
3. Respondent MBA at all times material herein was:

(a) Engaged in the business of obtaining live poultry under a poultry growing arrangement for the purpose of slaughter and the sale and shipment of poultry products in commerce; and

(b) A live poultry dealer within the meaning of and subject to the provisions of the Act.

4. Respondent Mark A. Haskins, hereinafter Respondent Haskins, is an individual whose address is 310 Broadway, Tecumseh, NE 68450.

5. Respondent Haskins is, and at all times material herein was:

(a) President and CEO of Respondent MBA;

(b) The owner, through his 94 percent ownership interest in MBA Consultants, LLC, of over 46 percent of the stock of Respondent MBA;

(c) Responsible for the direction, management and control of Respondent MBA;

(d) The President of Tecumseh Poultry, LLC, a live poultry dealer that is engaged in the business of obtaining live poultry under a poultry growing arrangement for the purpose of slaughter and the sale and shipment of poultry products in commerce using the poultry processing plant formerly operated by Respondent MBA; and

(e) A live poultry dealer within the meaning of and subject to the Act.

Conclusions

The Respondent Haskins having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

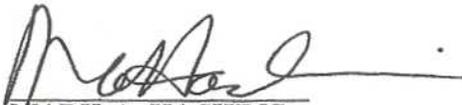
Respondent Mark A. Haskins, his agents and employees, directly or through any corporate or other device (including Tecumseh Poultry, LLC), in connection with their operations as a live poultry dealer, shall cease and desist from:

1. Failing to pay the full amount due to poultry growers for live poultry obtained under poultry growing arrangements;
2. Failing to pay, when due, for live poultry obtained under poultry growing arrangements by not delivering to poultry growers the full amount due for the live poultry before the close of the fifteenth day following the week in which the poultry was slaughtered;

In accordance with section 411 of the Act (7 U.S.C. § 228b-2), Respondent Mark A. Haskins is assessed a civil penalty of Seven Thousand Five Hundred Dollars (\$7,500.00).

The provisions of this order shall become effective on the first day after service of this order on Respondent Haskins.

Copies of this decision shall be served upon the parties.



MARK A. HASKINS
Respondent



ERIC PAUL
Attorney for Complainant

Issued this 3 day of October 2002



Administrative Law Judge