

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Noah's Ark Processors Corp.
a.k.a. Noah's Ark Processors, LLC,

Respondent

P & S Docket No. D-10- 6051

Complaint and Notice of Hearing

There is reason to believe that the Respondent named herein has willfully violated provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), hereinafter referred to as "the Act," and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*), hereinafter referred to as "the regulations," and therefore, this Complaint is issued alleging the following:

I.

(a) Noah's Ark Processors Corp. a.k.a. Noah's Ark Processors, LLC. (hereinafter "Respondent Noah's Ark") is a corporation, whose business mailing address is 1821 311th Avenue, Dawson, Minnesota 56232.

(b) At all times material herein, Respondent Noah's Ark was:

- (1) engaged in the business of purchasing livestock in commerce for the purpose of slaughter and of manufacturing or preparing meats or meat food products for sale or shipment in commerce; and
- (2) a packer within the meaning of the Act and subject to the provisions of the Act.

II.

On February 13, 2009, the Midwestern Regional Office of the Packers and Stockyards Program sent a letter to Respondent advising Respondent to increase Respondent Noah's Ark's Letter of Credit to \$95,000. By letter of notice dated February 27, 2009, the Packers and Stockyards Program informed Respondent, via certified mail, that Respondent Noah's Ark's Letter of Credit was expiring on March 25, 2009, and advised Respondent that they would be required to discontinue all livestock operations for which bonding is required after that date, unless a new Letter of Credit was obtained. Respondent received the letter on March 2, 2009.

Notwithstanding such notice, Respondent continued to engage in the business of purchasing livestock in commerce for the purpose of slaughter and of manufacturing or preparing meats or meat food products for sale or shipment in commerce without maintaining an adequate bond as required by the Act and the Regulations.

III.

On or about the dates and in the transactions set forth below, Respondent Noah's Ark engaged in the business of purchasing livestock in commerce for the purpose of slaughter and of manufacturing or preparing meats or meat food products for sale or shipment in commerce without maintaining an adequate bond or bond equivalent:

Purchase Date	No. of Head	Livestock Amount	Seller's Name
3/26/09	236	\$33,547.69	Van Well Sheep Buying Station, Watertown, South Dakota
3/30/09	40	\$52,252.00	Wulf Cattle Company, LLP, Morris, Minnesota
3/31/09	78	\$92,565.00	Yankton Livestock Auction Market, Yankton South Dakota
4/1/09	40	\$52,759.00	Wulf Cattle Company, LLP, Morris, Minnesota
4/5/09	77	\$89,201.20	Robb Krause, Brandt, South Dakota
4/6/09	80	\$105,652.00	Wulf Cattle Company, LLP, Morris, Minnesota

IV.

By reason of the facts alleged in paragraphs II and III, Respondent has engaged in operations subject to the Act without maintaining an adequate bond and has willfully violated 202(a) of the Act (7 U.S.C. § 192) and section 201.29 of the Regulations (9 C.F.R. § 201.29).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has in fact willfully violated the Act and Regulations, this Complaint and Notice of Hearing shall be served upon Respondent.

Respondent shall have twenty (20) days after receipt of this Complaint and Notice of Hearing to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.; hereinafter, "Rules of Practice").

Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer shall constitute an admission of all the material allegations of this Complaint and Notice of Hearing unless parties have agreed to a consent decision pursuant to section 1.138 of the Rules of Practice (7 C.F.R. § 1.138). Respondent is hereby notified that unless hearing is waived, either expressly or by failure to answer and request a hearing, a hearing will be held in accordance with the Rules of Practice, at a time and place to be designated later.

At the hearing, Respondent will have the right to appear and show cause why an appropriate order should not be issued in accordance with the provisions of the Act requiring that Respondent cease and desist from violating the Act with respect to matters alleged herein and

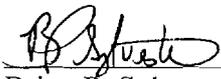
assessing such civil penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 2 day of December 2009



Alan R. Christian
Deputy Administrator,
Packers and Stockyards Program



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