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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P & S Docket No. D-11-	0115
)		
Berry & Sons Rababeh Islamic)		
Slaughter House, Inc.,)		
)		
Respondent)	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 and Notice of Hearing is issued alleging the following:

I

- (a) Berry & Sons Rababeh Islamic Slaughter House, Inc. (hereinafter Respondent) is a corporation organized and existing under the laws of the State of Michigan. Its business mailing address is 2496 Orleans Street, Detroit, MI 48207.
- (b) Respondent, at all times material herein, was:
 - 1. Engaged in the business of buying livestock in commerce for the purposes of slaughter and manufacturing or preparing meats or meat products for sale or shipment in commerce; and
 - 2. A packer within the meaning of and subject to the provisions of the Act.

II

On July 15, 2010, the Midwestern Regional Office of the Packers and Stockyards Administration, U.S. Department of Agriculture, sent a Notice to Respondent, via certified mail, advising Respondent to comply with the bonding provisions of the Act.¹ Specifically, the Notice advised Respondent that its bond maintained in connection with its operations as a packer would terminate on August 7, 2010. The Notice further advised Respondent that unless it had a new bond or bond equivalent to secure the performance of its livestock obligations under the Packers and Stockyards Act on or before August 7, 2010, Respondent would need to discontinue all livestock operations for which bonding is required under the Act. Notwithstanding such notice, Respondent continued to operate as a packer buying livestock in commerce for the purposes of slaughter and manufacturing, or preparing meats or meat products for sale or shipment in commerce, in violation of the Act and the regulations, as set forth below:

Purchase Date	No. of Head	Livestock Amount	Seller's Name
8/8/2010	109	\$8,089.68	Florence Livestock, Inc.
8/15/2010	83	\$7,055.78	Florence Livestock, Inc.
8/22/2010	101	\$9,204.35	Florence Livestock, Inc.
8/29/2010	116	\$11,232.70	Florence Livestock, Inc.
9/13/2010	6	\$793.10	United Producers, Inc.
9/20/2010	65	\$6,989.93	United Producers, Inc.
9/27/2010	60	\$8,640.08	United Producers, Inc.
10/4/2010	162	\$24,587.58	United Producers, Inc.
10/11/2010	202	\$20,342.20	United Producers, Inc.
10/14/2010	81	\$12,400.05	United Producers, Inc.

¹ Respondent received the Notice on July 19, 2010 at 11:54 AM; Certified Mail item number 7108 2133 3938 2242 0532.

Purchase Date	No. of Head	Livestock Amount	Seller's Name
10/18/2010	41	\$5,574.33	United Producers, Inc.
10/25/2010	40	\$7,607.10	United Producers, Inc.

III

On or about the dates and in the transactions listed below, Respondent purchased livestock and failed to pay, when due, the full purchase price of such livestock:

Seller	Purchase Date	No. Head	Livestock Amount	Total Invoice	Due Date Per §409	Date Paid	Days Late
Florence Livestock, Inc.	1/3/2010	25	\$2,083.17	\$2,072.14	1/4/2010	3/5/2010	60
Florence Livestock, Inc.	1/10/2010	50	\$2,751.95	\$2,473.80	1/11/2010	3/5/2010	53
Florence Livestock, Inc.	1/10/2010	2	\$169.42	\$169.42	1/11/2010	3/5/2010	53
Florence Livestock, Inc.	1/18/2010	36	\$3,504.85	\$3,679.87	1/19/2010	3/5/2010	45
Tim Moore	1/19/2010	14	\$777.00	\$773.00	1/21/2010	1/28/2010	7
Tim Moore	1/20/2010	145	\$17,675.80	\$17,580.25	1/22/2010	1/28/2010	6
Florence Livestock, Inc.	1/24/2010	88	\$8,988.53	\$8,922.23	1/25/2010	3/26/2010	60
Tim Moore	1/25/2010	119	\$13,637.40	\$13,566.33	1/27/2010	2/4/2010	8
Tim Moore	1/26/2010	31	\$4,069.50	\$4,042.40	1/28/2010	2/4/2010	7
Tim Moore	1/28/2010	132	\$15,469.10	\$15,387.88	1/30/2010	2/4/2010	5
Florence Livestock, Inc.	1/31/2010	97	\$10,322.95	\$10,831.20	2/1/2010	3/26/2010	53
Tim Moore	2/1/2010	163	\$18,980.35	\$18,874.92	2/3/2010	2/6/2010	3
Tim Moore	2/2/2010	48	\$6,780.20	\$6,750.97	2/4/2010	2/6/2010	2
Tim Moore	2/9/2010	260	\$32,686.40	\$32,515.75	2/11/2010	2/24/2010	13
Tim Moore	2/12/2010	60	\$7,781.30	\$7,747.95	2/16/2010	2/24/2010	8
Tim Moore	2/15/2010	75	\$10,701.00	\$10,654.87	2/17/2010	3/5/2010	16

Seller	Purchase Date	No. Head	Livestock Amount	Total Invoice	Due Date Per §409	Date Paid	Days Late
Tim Moore	2/16/2010	52	\$6,659.30	\$6,625.57	2/18/2010	3/5/2010	15
Tim Moore	2/16/2010	71	\$6,759.50	\$6,738.17	2/18/2010	3/5/2010	15
Tim Moore	2/19/2010	54	\$7,316.50	\$7,285.55	2/23/2010	3/9/2010	14
Tim Moore	2/22/2010	132	\$17,683.00	\$17,601.10	2/24/2010	3/11/2010	15
Tim Moore	2/23/2010	88	\$9,785.50	\$9,733.00	2/25/2010	3/11/2010	14
Florence Livestock, Inc.	2/7/2010	91	\$9,616.70	\$10,072.52	2/8/2010	4/8/2010	59
Florence Livestock, Inc.	2/14/2010	68	\$6,926.50	\$7,254.98	2/15/2010	4/8/2010	52
Florence Livestock, Inc.	2/22/2010	78	\$8,387.05	\$8,784.13	2/23/2010	4/8/2010	45
Florence Livestock, Inc.	2/28/2010	107	\$11,123.35	\$11,628.65	3/1/2010	4/22/2010	52

III

By reason of the facts alleged in paragraphs II and III herein, Respondent has willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§192(a) and 228b) and section 201.29 of the regulations (9 C.F.R. § 201.29).

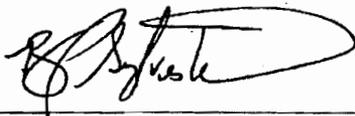
WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has in fact willfully violated the Act, this Complaint and Notice of Hearing shall be served upon Respondent. Respondent shall have twenty (20) days after receipt of this Complaint and Notice of Hearing in which to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this Complaint and Notice of Hearing.

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 place and time 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 which requires that Respondent cease and desist from violating the Act with respect to matters alleged herein and assesses such civil penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.
this 23 day of March, 2011



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program



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