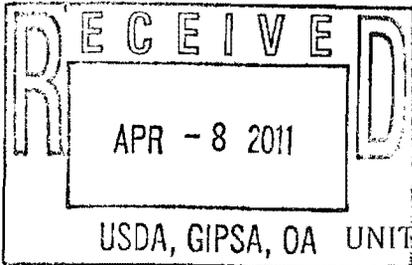


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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Park Poultry, Inc.,
d.b.a. Park Farms

Respondent

P & S Docket No D- 11-0181

Complaint and Notice of Hearing

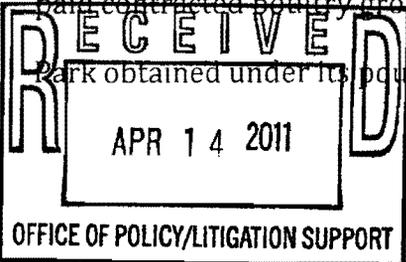
There is reason to believe that the Respondent has willfully violated the provisions of the Packers & Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*)(Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*)(Regulations)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

I

- (a) Respondent Park Poultry, Inc., d.b.a. Park Farms (Respondent Park) is an Ohio corporation whose business address is 1925 30th Street NE, Canton, OH 44705.
- (b) Respondent, at all times material to this Complaint is
 - (1) engaged in the business of obtaining live poultry by purchase or under poultry growing arrangements for the purpose of slaughter,
 - (2) shipping processed poultry products in commerce, and
 - (3) operating as a live poultry dealer subject to the provisions of the Act.

II

- (a) Respondent Park, on or about the dates and in the transactions set forth below, paid contracted poultry growers between ten and 18 days late for live poultry Respondent Park obtained under its poultry growing arrangements with poultry growers:



cc: Mason

Name of Grower	Date Birds Slaughtered	Amount Due	Day Payment Due	Date Paid	Days Late
General Poultry, Inc.	11/17/2009	\$6,305.87	12/07/2009	12/17/2009	10
General Poultry, Inc.	11/18/2009	\$12,449.43	12/07/2009	12/17/2009	10
General Poultry, Inc.	11/19/2009	\$12,615.42	12/07/2009	12/17/2009	10
J&M Poultry, Inc.	11/24/2009	\$18,822.89	12/14/2009	12/24/2009	10
J&M Poultry, Inc.	11/25/2009	\$12,221.34	12/14/2009	12/24/2009	10
Willow Creek Poultry, Inc.	12/01/2009	\$6,330.65	12/21/2009	12/31/2009	10
Willow Creek Poultry, Inc.	12/02/2009	\$12,734.61	12/21/2009	12/31/2009	10
Willow Creek Poultry, Inc.	12/03/2009	\$12,382.76	12/21/2009	12/31/2009	10
T Squared Farm, Inc.	12/08/2009	\$6,303.01	12/28/2009	01/08/2010	11
T Squared Farm, Inc.	12/09/2009	\$12,535.68	12/28/2009	01/08/2010	11
T Squared Farm, Inc.	12/10/2009	\$12,081.91	12/28/2009	01/08/2010	11
Big Muddy Acres, Inc.	12/15/2009	\$6,453.03	01/04/2010	01/15/2010	11
Big Muddy Acres, Inc.	12/16/2009	\$12,344.06	01/04/2010	01/15/2010	11
Big Muddy Acres, Inc.	12/17/2009	\$12,465.05	01/04/2010	01/15/2010	11
L-K Poultry, Inc.	12/17/2009	\$3,533.49	01/04/2010	01/22/2010	18
L-K Poultry, Inc.	12/18/2009	\$13,876.65	01/04/2010	01/22/2010	18
L-K Poultry, Inc.	12/21/2009	\$17,242.18	01/11/2010	01/22/2010	11

(b) Respondent Park, in the above transactions, failed to use serially numbered scale tickets.

III

By virtue of the facts alleged in paragraph II(a), Respondent Park violated section 410 of the Act (7 U.S.C. § 228(b)-1) by delaying payments under a poultry production contract.

By virtue of the facts alleged in paragraph II(b), Respondent Park failed to keep adequate records in violation of section 401 of the Act (7 U.S.C. § 221), and violated the provisions section 201.108-1 of the Regulations (9 C.F.R. § 201.108-1), which require the use of serially number scale tickets in the weighing of live poultry.

WHEREFORE, it is hereby ordered that this Complaint shall be served on Respondent for the purpose of determining whether Respondent has willfully violated the Act. Respondent shall 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 Proceedings Instituted by the Secretary Under Various Statutes (7

C.F.R. §1.130 *et seq.*)(Rules of Practice). Failure to file an answer shall constitute an admission of all the material allegations of this Complaint.

The Packers and Stockyards Program, GIPSA requests:

1. That unless Respondent fails to file an answer within the time allowed therefore, or files an answer admitting all the material allegations of this Complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice governing proceedings under the Act.

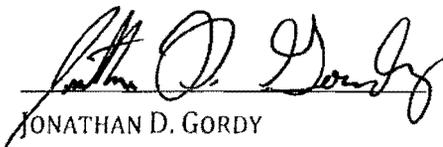
2. That an order be issued requiring Respondent to cease and desist from the violations found to exist and assessing such civil penalties as are authorized by section 411 of the Act (7 U.S.C. §228b-2) and warranted under the circumstances.

Done at Washington, D.C.

this 5 day of April, 2011



ALAN R. CHRISTIAN
Deputy Administrator,
Packers & Stockyards Program



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