

J. Butler
Alan C.

UNITED STATES DEPARTMENT OF AGRICULTURE

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OALC/PHC

BEFORE THE SECRETARY OF AGRICULTURE

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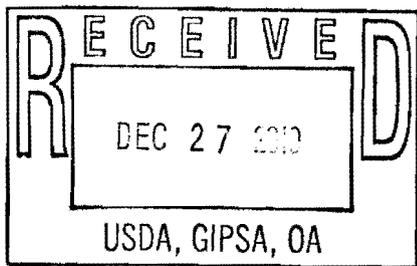
In re:) P & S Docket No. D-09-0106
)
 Gulf Packing Company, LP,)
 and)
 Charles L. Booth,)
)
 Respondents) Decision Without Hearing
) by Reason of Consent

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This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (hereinafter referred to as the "Act"), by a Complaint and Notice of Hearing and Amended Complaint and Notice of Hearing filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondents willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in paragraph I of the Complaint and Notice of Hearing and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

Complainant agrees to the entry of this decision.



CC: [Signature]

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Findings of Fact

1. Gulf Packing Company, LP (hereinafter, "Respondent LP") is a limited partnership organized and existing under the laws of the State of Texas. Respondent's address is 618 Commerce, P.O. Box 357, San Benito, Texas 78586.

2. Respondent LP is, and at all times material herein was:

(a) Engaged in the business of buying livestock in commerce for purposes of slaughter;

(b) Engaged in the business of slaughtering cattle and manufacturing or preparing meat or meat products for sale or shipment in commerce; and

(c) A packer within the meaning of and subject to the Act.

3. Charles L. Booth (hereinafter "Individual Respondent") is an individual residing in Texas. To protect personally identifiable information, Individual Respondent's address has been provided to the Hearing Clerk under separate cover.

4. Individual Respondent at all times material herein was:

(a) Managing Partner of Respondent LP;

(b) President of Respondent LP;

(c) Owner of 60 percent of the stock of Respondent LP;

(d) Responsible for the day to day direction, management and control of Respondent LP; and

(e) A packer within the meaning of and subject to the provisions of the Act.



Conclusions

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

Order

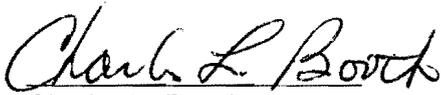
Respondents Gulf Packing Company, LP, and Charles L. Booth, their agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from:

1. Failing to pay the full purchase price of livestock; and
2. Failing to pay, when due, the full purchase price of livestock.

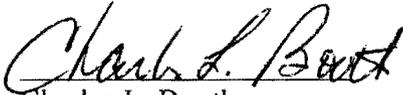
In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondents Gulf Packing Company, LP, and Charles L. Booth jointly and severally are assessed a civil penalty in the amount of Ten Thousand Dollars (\$10,000.00). The civil penalty will be paid in accordance with an Understanding Regarding Civil Penalty Payment Terms agreed to and ratified by the parties.

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

Copies of this decision shall be served upon the parties.



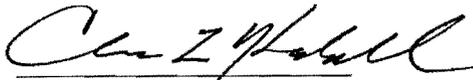
Charles L. Booth
for Gulf Packing Company, LP



Charles L. Booth

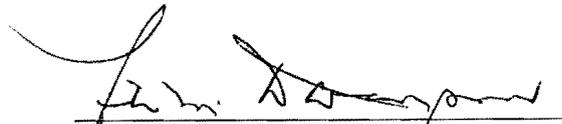


Curtis Bonner
Attorney for Respondent



Charles L. Kendall
Attorney for Complainant

Issued this 23rd day of December 2010


Administrative Law Judge

