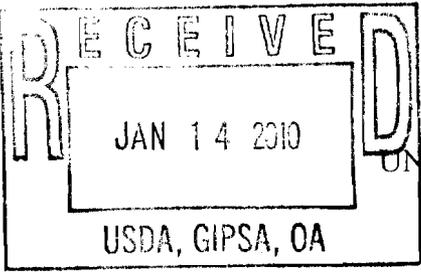
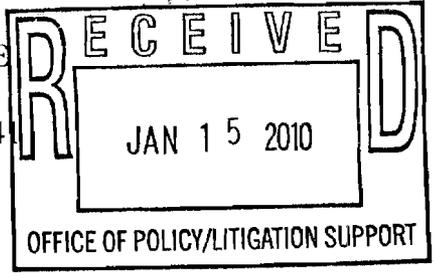


A. Christian
J. Butler



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P. & S. Docket No. D-09-004
)
)
Potter Sausage Co.,)
Respondent) Decision Without Hearing
) by Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), hereinafter “the Act”, by a Complaint and Notice of Hearing filed by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondent wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint and Notice of Hearing 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.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Potter Sausage Co., hereinafter referred to as “Respondent”, is a corporation organized and existing under the laws of the State of Delaware. Its business mailing address is P. O. Box 689, Durant, Oklahoma 74702-0689.

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

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

cc: Potter

slaughter and of manufacturing or preparing meats or meat products for sale or shipment in commerce; and

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

Conclusions

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

Order

Respondent Potter Sausage Co., its officers, directors, agents and employees, successors and assigns, directly, or through any corporate or other device, in connection with its operations as a packer, shall cease and desist from:

1. Failing to pay, within the time period required by the Act, the full purchase price of livestock.
2. Engaging in any livestock purchase arrangement where payment is to be made in a manner other than as required by section 409(a) of the Act (7 U.S.C. § 228b(a)), without first obtaining a written credit agreement with a trust waiver as specified in section 201.200 of the regulations (9 C.F.R. § 201.200).

In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent is assessed a civil penalty of \$10,000.00.

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.

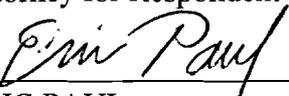
POTTER SAUSAGE CO.
Respondent

By: 

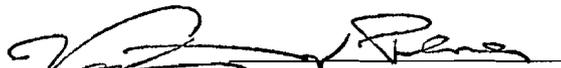
CEO

(Title)


BRETT T. SCHWEMER
Olsson Frank Weeda Terman Bode Matz, P.C.
Attorney for Respondent


ERIC PAUL
Attorney for Complainant

Issued this 13th day of January, 2010


Administrative Law Judge