

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	P & S Docket No. D-10-0239
American Beef Packers, Inc.,)	
)	
Respondent)	Consent Decision

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.), (the Act), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Respondent willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint 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. American Beef Packers, Inc., Respondent, is a corporation organized and existing under the laws of the State of California. Its business mailing address is 13677 Yorba Avenue, Chino, CA 91710.
2. Respondent, at all times material herein, was:

(1) Engaged in the business of buying livestock in commerce for the purposes of slaughter and manufacturing/processing 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.

Conclusions

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

Order

1. Respondent, its agents and employees, directly or through any corporate or other device, in connection with activities subject to the Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock as required by section 409 of the Act (7 U.S.C. §228b).

2. In accordance with section 312(b) of the Act (7 U.S.C. 213(b)), Respondent is assessed a civil penalty of \$25,000.00 to be paid in accordance with the Understanding Regarding Civil Penalty Terms executed 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.

Issued in Washington D.C.

this 24 day of October, 2011

Jill A. Clitz

for Administrative Law Judge
Janice K. Bullard

Wade Carrigan

Wade P. Carrigan, President
American Beef Packers

Lawrence Miller

Lawrence Miller, Director of Business Affairs
American Beef Packers

Brian P. Sylvester

Brian P. Sylvester, Esq.
Attorney for Complainant

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AMERICAN BEEF PACKERS, INC.
13677 YORBA AVENUE
CHINO, CA 91710

Street,
or PO Box,
City, State,

7009 1680 0001 9852 5856

PS Form 3800, 01/03/2005 See Reverse for Instructions