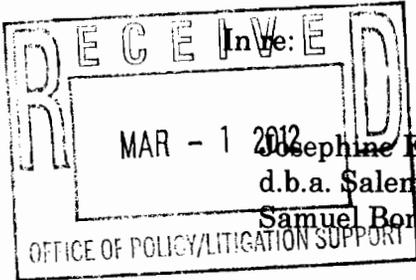


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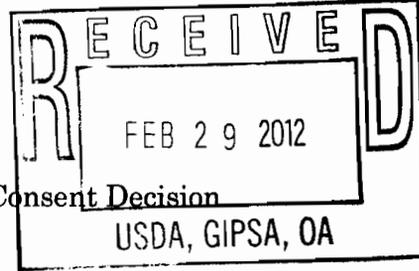
USDA  
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United States Department of Agriculture  
Before the Secretary of Agriculture

2012 FEB 27 AM 9:48



) Docket No. D-11-0402



This is a disciplinary proceeding under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) (Act). On October 6, 2011, an Amended Complaint and Notice of Hearing (Complaint) was issued against Respondents Josephine E. Bonaccurso Inc., d.b.a. Salem Packing Co., and Samuel Bonaccurso (Respondents) alleging that on two dates in 2010, and on one date in 2011, Respondents were insolvent, and that from October 10, 2007 to July 23, 2010 and later, as of April 16, 2011, Respondents had failed to pay, when due, for over \$700,000 of livestock. The Amended Complaint further alleged that Salem Packing's financial condition did not meet the requirements of the Act as supplemented (7 U.S.C. § 204) and the regulations promulgated under it (9 C.F.R. § 203.10), and Respondents have willfully violated sections 202(a) and 409 of the Act (7 U.S.C. § 192(a), 228b) and section 201.43 of the regulations (9 C.F.R. 201.43).

Complainant and Respondent have now agreed to entry of this Decision, without hearing or further procedure, pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory

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Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in paragraph I of the Complaint 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.

#### Findings of Fact

1. Josephine E. Bonaccurso Inc., d.b.a. Salem Packing Co., (Salem Packing) is a corporation with a mailing address of P.O. Box 131, Salem New Jersey 08079 and its principal place of business at 705 Salem Quinton Road, Salem, New Jersey 08079.

2. Salem Packing is a packer operating in commerce subject to the provisions of the P&S Act, 7 U.S.C. § 181 *et seq.*

3. Samuel Bonaccurso is:

- 100% - 59 RNA 5B
- a. the president and ~~48%~~ shareholder of Salem Packing,
  - b. responsible for the purchase of all livestock and responsible for the payment of all debts,
  - c. operates Salem Packing his alter ego, and

d. is a packer as defined in 7 U.S.C. § 191.

4. Josephine E. Bonaccorso, is the mother of Samuel Bonaccorso and is <sup>a</sup> ~~the~~ 51% shareholder of Salem Packing.

*JG*  
*no longer*  
*JB*  
*RVA*

### 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, their agents and employees, directly or through any corporate or other device, in connection with Respondents' activities subject to the Packers and Stockyards Act, shall cease and desist from:

- (1) purchasing livestock except under the condition that Respondents must deliver to the seller or his duly authorized representative the full amount of the purchase by payment in United States currency, certified check, or by wire transfer before the close of the next business day following the purchase of livestock and transfer of possession, and such condition shall continue until application of the Packers and Stockyards Administration for a supplemental order modifying the condition; and,
- (2) failing to pay, when due, the full amount of the purchase price of livestock as required by Section 409 of the Act (7 U.S.C. § 228b).

In accordance with section 203(b) of the Act, (7 U.S.C. § 193(b)),  
Respondents are hereby assessed a civil penalty of nineteen thousand five  
hundred dollars (\$19,500) in accordance with the terms of the  
"Understanding Regarding Consent Decision" entered between the parties.

Copies of this Decision and Order shall be served on the parties. The  
provisions of this Order shall become effective upon issuance.



Respondent Samuel Bonaccorso,  
President, Respondent Josephine E. Bonaccorso, Inc.

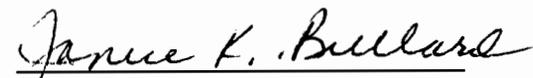


Robert N. Agre, Esq.  
Attorney for Respondents



Jonathan D. Gordy  
Attorney for Complainant

Issued in Washington D.C.  
this 28<sup>th</sup> day of February 2012



ADMINISTRATIVE LAW JUDGE  
JANICE K. BULLARD

United States Department of Agriculture  
Before the Secretary of Agriculture

In re: ) Docket No. D-11-0402  
)  
)  
Josephine E. Bonaccurso Inc., )  
d.b.a. Salem Packing Co., and )  
Samuel Bonaccurso )  
) Understanding Regarding  
) Consent Decision

In this disciplinary proceeding under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*), Respondents agree to the terms of this Understanding Regarding Consent Decision (Understanding) for the purpose of resolving this case by consent without hearing or further procedure pursuant to section 1.138 of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138). Respondents expressly waive all further procedure in the above-captioned case.

Respondents, having been assessed a civil penalty of \$19,500 in this matter, hereby agrees to pay the civil penalty as follows: (a) Respondents shall make an initial payment of \$7,500, which be paid within 60 days of the entry of the Consent Decision; and (b) thereafter, Respondents shall make twelve monthly payments of \$1,000, totaling \$12,000, with the payments postmarked no later than the first of each month starting in May 2012 until the last payment on April 1, 2012 (*i.e.* May 1, 2012, June1, 2012, July1, 2012, August1, 2012, September1, 2012, October1, 2012, November1, 2012,

December 1, 2012, January 1, 2013, February 1, 2013, March 1, 2013, and April 1, 2013). All payments referred to in this Understanding shall be by check or money order payable to the **United States Department of Agriculture**. All payments shall be mailed to: USDA, Grain Inspection Packers and Stockyards Administration, P. O. Box 790335, St. Louis MO 63179-0335. The check or money order should include the docket number of this proceeding.

Respondents explicitly waive all further proceedings or hearings in connection with this matter and explicitly agrees that, in the event that Respondents do not pay the civil penalty by the required dates, a consent judgment may be entered in the United States District Court without further proceedings for the full amount due and owing and such interest and penalty thereon, and court costs as may be provided for by law. Interest at the annual rate prescribed by the Secretary of the Treasury, and a penalty at the annual rate of 6 per cent, shall be added from the date the civil penalty becomes due and payable pursuant to 31 U.S.C. § 3717(a)(1) and (e)(2).

\_\_\_\_\_  
Respondent Samuel Bonaccorso  
President, Respondent Josephine E. Bonaccorso Inc.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robert N. Agre, Esq.  
Attorney for Respondents

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jonathan D. Gordy  
Attorney for Complainant

\_\_\_\_\_  
Date