

DEC 13 2011
POLICY INVESTIGATION SUPPORT

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P & S Docket No. D-12-0100
)	
Garden Halal Meat Market, LLC,)	
Mohamed Chitaoui, and)	
Fedal Lahsane,)	
)	
Respondents)	Complaint and Notice of Hearing

There is reason to believe that the Respondents named herein have willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act), and, therefore, this complaint and notice of hearing is issued alleging the following:

I.

1. Garden Halal Meat Market, LLC (Respondent Garden Halal Meat Market) is a Massachusetts limited liability company with a mailing address is 96A Blackstone Street, Boston, MA 02109. The limited liability company's registered agent in Massachusetts is: Mohamed Chitaoui, 315 Sumner Street, Boston, MA 02128.
2. Respondent Garden Halal Meat Market, at all times material herein was:
 - a. Engaged in the business of purchasing livestock in commerce for purposes of slaughter; and
 - b. A packer within the meaning of, and subject to the provisions of, the Act.

3. Mohamed Chitaoui (Respondent Chitaoui) and Fedal Lahsane (Respondent Lahsane) are individuals whose mailing addresses are 96A Blackstone Street, Boston, MA 02109.
4. Respondent Chitaoui and Respondent Lahsane, at all times material to this complaint, collectively owned 100% of Respondent Garden Halal Meat Market, were members of the LLC, were responsible for the management, direction, and control of Respondent Garden Halal Meat Market, and were packers within the meaning of, and subject to the provisions of, the Act.

II

Respondent Garden Halal Meat Market, under the direction, management, and control of the Respondent Chitaoui and Respondent Lahsane, in connection with its operations subject to the Act, in the transactions set forth in Appendix A and incorporated herein by reference, purchased livestock and failed to pay the full amount of the purchase price for such livestock within the time period required by the Act. As of the date of this complaint, approximately \$49,792.04 remains unpaid.

III

Respondent Garden Halal Meat Market, under the direction, management, and control of Respondent Chitaoui and Respondent Lahsane, in connection with its operations subject to the Act, failed to keep and maintain records which fully and correctly disclosed all the transactions involved in its business as a packer as required by section 401 of the Act (7 U.S.C. § 221). Specifically, Respondent Garden Halal Meat Market failed to keep and maintain corporate records, all purchase invoices, documents permitting the tracing of livestock from purchase

through slaughter, and documents permitting the tracing of all payments made for livestock purchases.

IV

By reason of the facts alleged in paragraph II, Respondents have willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a), 228b).

By reason of the facts alleged in paragraph III, Respondents have willfully violated section 401 of the Act (7 U.S.C. § 221), by failing to keep and maintain records that fully and correctly disclosed all transactions involved in their business.

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondents have, in fact, willfully violated the Act, this complaint and notice of hearing shall be served upon Respondents. Respondents shall have twenty (20) days after receipt of this Complaint and Notice of Hearing in which to file an answer with the Hearing Clerk, Room 1031 South Building, United States Department of Agriculture, 1400 Independence Ave., S.W., Washington, DC 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). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer shall constitute an admission of all the material allegations of this Complaint and Notice of Hearing unless the parties have agreed to a consent decision pursuant to section 1.138 of the Rules of Practice (7 C.F.R. § 1.138). Respondents are hereby notified that unless hearing is waived, either expressly or by failure to answer and request a hearing, a hearing will be held in accordance with the Rules of Practice, at a time and place to be designated later. At the hearing, Respondents will have the right to appear and show cause why an appropriate order should not be issued in accordance with the provisions of the Act

requiring that Respondents cease and desist from violating the Act with respect to matters alleged herein and assessing such civil penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 9 day of December, 2011



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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Appendix A



US Department of Agriculture
 Grain Inspection, Packers and Stockyards Administration
 Packers and Stockyards Program (P&SP)

Schedule of Failure to Pay for Livestock
 Garden Halal Meat Market, LLC
 96A Blackstone Street
 Boston, MA 02109

PURCHASED FROM	PURCHASE DATE	NO. OF HEAD	LIVESTOCK AMOUNT	OUTSTANDING BALANCE
SHANNON BANBURY, WESTERVILLE, OHIO	11/5/07	230	\$19,695.01	\$49,792.04
	11/26/07	195	\$17,568.15	
	12/3/07	137	\$12,245.68	
	12/11/07	184	\$15,558.12	
	12/26/07	110	\$9,521.60	
	12/29/07	165	\$15,687.77	
TOTALS		1,021	\$90,276.33	