

U.S. DEPT. OF AGRICULTURE
OFFICE OF THE SECRETARY

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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

F. S. 100

In re:)	P&S Docket No. 12- 0575
)	
Florence Meat Packing Co., Inc.,)	
d/b/a White House Packing Company,)	
)	
and)	
)	
Gypson J. and Sonia G. Fernandez,)	
)	
Respondents)	Complaint and Notice of Hearing

There is reason to believe that the respondents named herein have willfully violated the Packers & Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*) and, therefore, this Complaint and Notice of Hearing is issued alleging the following:

I

- (a) Respondent Florence Meat Packing Co., Inc., d/b/a White House Packing Company, hereinafter referred to as respondent corporation, is a corporation organized under the laws of the State of South Carolina, with its principal place of business located at 266 Bethesda Church Road, Fairmont, North Carolina 28340.
- (b) Respondents Gypson J. and Sonia G. Fernandez are individuals whose current address is in the State of Georgia. Their address will not be stated in the complaint to protect their privacy but will be provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service of this complaint.

(c) Respondent corporation, under the direction, management, and control of respondents Gypson J. and Sonia G. Fernandez, at all times material herein was:

- (1) Engaged in the business of buying livestock in commerce for the purposes of slaughter; and
- (2) A packer within the meaning of and subject to the provisions of the Act.

(d) Respondent corporation ceased operations on or about August 26, 2011.

(e) Respondents Gypson J. and Sonia G. Fernandez at all times material herein were:

- (1) President and Secretary, respectively, of respondent corporation;
- (2) Together owned 100% of respondent corporation; and
- (3) Responsible for the direction, management and control of respondent corporation.
- (4) Packers within the meaning of and subject to the provisions of the Act.

II

(a) During the period from July 29, 2011, through August 5, 2011, in twenty transactions involving respondents' purchase of 2367 head of livestock from Mike Reeves Livestock, Inc., in Rowland, North Carolina, Neely Livestock in Murfreesboro, Tennessee, and Rabon Livestock in Loris, South Carolina, for a total purchase price of \$272,353.71, the respondents failed to pay, when due, the full amount of the livestock purchase price. As of the date of the filing of this complaint, the respondents have failed to pay \$272,353.71 for these purchases.

(b) In three of the transactions referenced in paragraph II(a), the respondents

issued insufficient funds checks in payment for their livestock purchases because respondents failed to have and maintain sufficient funds on deposit and available in the account upon which the checks were drawn to pay such checks when presented for payment.

III

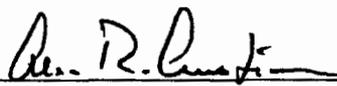
By reason of the facts alleged in paragraph II, the respondents willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a) and 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act, this Complaint and Notice of Hearing shall be served upon the respondents. The respondents shall have twenty (20) days following receipt of this Complaint and Notice of Hearing in which to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this Complaint and Notice of Hearing.

The 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 place and time to be designated later. At the hearing, the 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 the respondents to cease and desist from violating the Act with respect to the 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 6 day of August, 2012



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Packers & Stockyards Program

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