



United States
Department of
Agriculture

CERTIFIED RECEIPT REQUESTED

December 12, 2012

Office of
Administrative
Law Judges

Atlantic Veal and Lamb, LLC
275 Morgan Avenue
Brooklyn, NY 11211

Hearing Clerk

Room 1031
South Building

Philip Peerless
275 Morgan Avenue
Brooklyn, NY 11211

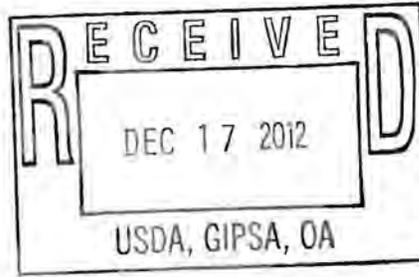
1400 Independence
Avenue SW

Dear Respondents:

Washington, DC
20250-9200

Subject: Atlantic Veal and Lamb, LLC, d/b/a Atlantic Veal and Lamb, Inc. and Philip Peerless - Respondents
Docket No. 13-0119

(202) 720-4443
(202) 720-9776 fax



Enclosed is a copy of the Complaint and Notice of Hearing filed under the Packers and Stockyards Act. Also enclosed is a copy of the Rules of Practice which govern the conduct of these proceedings. Please familiarize yourself with the rules and note that the comments which follow are not a substitute for the rule requirements.

The rules specify that you may represent yourself or obtain legal counsel. If an attorney does not file an appearance on your behalf, it shall be presumed that you have elected to represent yourself. Most importantly, **you have 20 days from receipt of this letter to file with the Hearing Clerk an original and three copies of your written and signed answer to the complaint.** It is necessary that your answer set forth any defense you wish to assert, admit, deny or explain each allegation of the complaint. Your answer may include a request for an oral hearing. Failure to file an answer or filing an answer which does not deny the material allegations of the complaint shall constitute an admission of those allegations and waive your right to an oral hearing. If a hearing is required, it shall be formal in nature and decided by an Administrative Law Judge on the basis of exhibits received in evidence and sworn testimony subject to cross-examination.

It is your responsibility to notify this office of any change in address or telephone numbers. Failure to do so may result in a judgment being entered against you without your knowledge. Your answer, as well as any other pleadings or requests regarding this proceeding should be submitted in quadruplicate to the Hearing Clerk, OALJ, Room 1031, South Building, United States Department of Agriculture, Washington, DC 20250-9200. The filing hours are Monday – Friday between the hours of 8:30 am- 4:30 pm.

Any questions you may have regarding the possible settlement of this case should be directed to the attorney whose name and telephone number appear on the last page of the complaint.

Sincerely,

Carla M. Andrews
Assistant Hearing Clerk

Enclosure(s)

CC: Thomas N. Bolick, OGC
Alan R. Christian, GIPSA

JC: 12/14/12



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275 MORGAN AVENUE
BROOKLYN, NY 11211

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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. 13- 0119
)
)
)
Atlantic Veal and Lamb, LLC,)
)
d/b/a Atlantic Veal and Lamb, Inc.,)
)
and)
)
Philip Peerless)
)
)
Respondents) Complaint and Notice of Hearing

There is reason to believe that the respondents named herein have willfully violated provisions of the Packers and 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) Atlantic Veal and Lamb, LLC, is a business organized under the laws of the State of Ohio. Respondent Atlantic Veal and Lamb, LLC maintains a place of business and mailing address at 275 Morgan Avenue, Brooklyn, NY, 11211. Respondent Atlantic Veal and Lamb, LLC also conducts business as Atlantic Veal and Lamb, Inc.

(b) Atlantic Veal and Lamb, Inc. is a business organized under the laws of the State of Delaware.

(c) Respondent Philip Peerless is an individual whose business mailing address is 275 Morgan Avenue, Brooklyn, NY, 11211.

(d) Respondent Atlantic Veal and Lamb, LLC, doing business as Atlantic Veal, Inc., under the direction, management, and control of respondent Philip Peerless at all times material herein was:

(1) Engaged in the business of buying livestock in commerce for the purposes of slaughter and of manufacturing and preparing meats or meat food products for sale or shipment in commerce; and

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

(e) Respondent Philip Peerless is and at all times material herein was:

(1) President of Respondent Atlantic Veal and Lamb, LLC;

(2) Owner of 50% of the stock issued by Respondents Atlantic Veal and Lamb, LLC; and

(3) Responsible for the direction, management and control of Respondent Atlantic Veal and Lamb, LLC.

II

On or about February 7, 2007, respondent herein Philip Peerless, as well as Atlantic Veal and Lamb, Inc., and Martin Weiner who is not a respondent herein, agreed to a consent decision and order that was issued by Administrative Law Judge Peter M. Davenport on that date, *In re: Atlantic Veal and Lamb, Inc., Philip Peerless and Martin Weiner*, P&S Docket No. D-07-0029 (hereinafter Decision). The Decision required respondents, their agents and employees, directly or through any corporate or other device, in connection with their operations subject to the Act, to cease and desist from failing to pay the full amount of the purchase price for livestock within the time period required by the Act. Additionally, the Decision assessed respondents, jointly and severally, a civil penalty of twelve thousand five hundred dollars (\$12,500).

III

On or about the dates and in the transactions set forth in Appendix A, respondents, notwithstanding the facts alleged in paragraph II, purchased livestock and failed to pay, when due, the full purchase price of such livestock.

IV

By reason of the facts alleged in paragraphs II and III herein, respondents have willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b).

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, United States Department of Agriculture, South Building, Room 1031, 1400 Independence Avenue, SW, 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.

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, 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 which requires that respondents cease and desist from violating the Act with respect to matters alleged herein and assesses such civil penalties as are authorized by the

Act and warranted under the circumstances.

Done at Washington, D.C.

this 12 day of December, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program
Grain Inspection, Packers and Stockyards
Administration

Krishna G. Ramaraju
Attorney for Complainant
Marketing, Regulatory and Food Safety Programs Division
Office of the General Counsel
United States Department of Agriculture
Room 2319, South Building
1400 Independence Avenue, S.W.
Washington, D.C. 20250-1400
Phone: (202) 690-0672
Fax: (202) 690-4322
Email: kris.ramaraju@ogc.usda.gov

Appendix A
 Schedule of Failure to Pay When Due for Livestock Purchases
 December 31, 2010 through April 14, 2011

Seller's Name	Type Purchase (L), (CW)	Invoice/ Slaughter Date	Date Rec'd by AVL	Credit Agreement	Credit Days From Receipt	Date Due Under Credit Agreement	Date Due Per 409 (a)	No. of Head	Livestock Amount	Other Charges/ Deducts	Invoice Amount	Payment Instrument			Air Bill Number	Air Bill Date	Days Late Per Check Date	Days Late Per Air Bill Date	Days Late Per Clear Date	Notes	
												CL No.	Date	Amount							
Buckeye Veal Farm	CW	12/31/10	01/11/11	Yes	7	01/18/11	N/A	85	58,426.83	(85.00)	58,341.63	70195	03/11/11		03/15/11	794522525075	03/11/11	52	52	56	a
Buckeye Veal Farm	CW	01/03/11	01/11/11	Yes	7	01/18/11	N/A	158	111,449.45	(158.00)	111,291.45	70195	03/11/11	168,633.08	03/15/11	794522525075	03/11/11	52	52	56	
Buckeye Veal Farm	CW	01/03/11	01/11/11	Yes	7	01/18/11	N/A	281	199,332.49	(281.00)	199,051.49	69206	02/04/11	199,051.49	02/15/11	794417125326	02/11/11	17	24	28	
Buckeye Veal Farm	CW	01/07/11	01/12/11	Yes	7	01/19/11	N/A	82	57,767.78	(82.00)	57,685.78	69311	02/09/11	57,685.78	02/17/11	796765145228	02/15/11	21	27	29	a
Buckeye Veal Farm	CW	01/10/11	01/13/11	Yes	7	01/20/11	N/A	192	141,217.89	(192.00)	141,025.89	69413	02/10/11	141,025.89	02/22/11	796775741090	02/17/11	21	28	33	
Buckeye Veal Farm	CW	01/17/11	01/20/11	Yes	7	01/27/11	N/A	157	144,012.14	(187.00)	143,815.14	69543	02/16/11	143,815.14	03/01/11	794462533431	02/24/11	20	28	33	
Buckeye Veal Farm	CW	01/24/11	01/27/11	Yes	7	02/03/11	N/A	180	129,900.26	(180.00)	129,720.26	69648	02/21/11	129,720.26	03/07/11	794490439850	03/03/11	18	28	32	
Buckeye Veal Farm	CW	01/27/11	02/01/11	Yes	7	02/08/11	N/A	72	55,318.00	(72.00)	55,247.00	69798	02/24/11	55,247.00	03/02/11	794474726200	02/28/11	16	20	22	
Buckeye Veal Farm	CW	02/03/11	02/08/11	Yes	7	02/15/11	N/A	194	147,108.50	(194.00)	146,914.50	69834	03/02/11	146,914.52	03/23/11	794555900281	03/21/11	15	34	36	
Buckeye Veal Farm	CW	02/08/11	02/11/11	Yes	7	02/18/11	N/A	77	54,300.76	(77.00)	54,223.76	70017	03/07/11	54,223.76	03/16/11	794529060674	03/14/11	17	24	26	
Buckeye Veal Farm	CW	02/14/11	02/17/11	Yes	7	02/24/11	N/A	178	133,481.31	(178.00)	133,303.31	70171	03/10/11	133,303.31	03/24/11	794561090371	03/22/11	14	26	28	
Buckeye Veal Farm	CW	02/28/11	03/03/11	Yes	7	03/10/11	N/A	164	110,588.60	(164.00)	110,424.60	70527	03/25/11	110,424.60	04/01/11	794581453521	03/30/11	15	20	22	
Buckeye Veal Farm	CW	03/04/11	03/07/11	Yes	7	03/14/11	N/A	160	103,267.19	(160.00)	103,107.19	70735	04/01/11	103,107.19	04/07/11	794613956198	04/05/11	18	22	24	
Buckeye Veal Farm	CW	03/07/11	03/09/11	Yes	7	03/16/11	N/A	173	120,911.68	(173.00)	120,738.68	70738	04/01/11	120,738.68	04/14/11	794641592866	04/12/11	16	27	29	
Buckeye Veal Farm	CW	03/15/11	03/17/11	Yes	7	03/24/11	N/A	100	71,735.33	(100.00)	71,735.33	70747	04/01/11	71,735.33	04/20/11	797002259609	04/18/11	8	25	27	
Buckeye Veal Farm	CW	03/17/11	03/21/11	Yes	7	03/28/11	N/A	121	86,005.28	(121.00)	85,884.28	70750	04/01/11	85,884.28	04/26/11	794678156024	04/21/11	4	24	29	
Buckeye Veal Farm	CW	03/23/11	03/25/11	Yes	7	04/01/11	N/A	81	55,376.06	(81.00)	55,295.06	70958	04/12/11	55,295.06	04/28/11	794691692045	04/26/11	11	25	27	
Buckeye Veal Farm	CW	03/28/11	03/29/11	Yes	7	04/06/11	N/A	201	141,740.08	(201.00)	141,539.08	71153	04/19/11	141,539.08	05/09/11	797066323211	05/05/11	13	29	33	
Buckeye Veal Farm	CW	04/04/11	04/05/11	Yes	7	04/13/11	N/A	262	185,461.10	(762.00)	184,699.10	71390	05/03/11	184,699.11	05/17/11	797095838913	05/13/11	20	30	34	
McCracken Livestock Inc.	L	01/03/11	N/A	No		N/A	01/04/11	229	3,840.69	1,145.00	5,085.69	68526	01/11/11		01/18/11	N/A	N/A	7	N/A	14	
McCracken Livestock Inc.	L	01/05/11	N/A	No		N/A	01/06/11	133	2,541.80	665.00	3,206.80	68526	01/11/11		01/18/11	N/A	N/A	7	N/A	12	
McCracken Livestock Inc.	L	01/06/11	N/A	No		N/A	01/07/11	227	4,577.33	1,135.00	5,712.33	68526	01/11/11	14,004.82	01/18/11	N/A	N/A	4	N/A	11	
McCracken Livestock Inc.	L	01/10/11	N/A	No		N/A	01/11/11	159	2,789.64	795.00	3,584.64	68890	01/25/11		02/01/11	N/A	N/A	14	N/A	21	c
McCracken Livestock Inc.	L	01/11/11	N/A	No		N/A	01/12/11	90	1,557.41	450.00	2,007.41	68890	01/25/11		02/01/11	N/A	N/A	13	N/A	20	
McCracken Livestock Inc.	L	01/13/11	N/A	No		N/A	01/14/11	168	3,124.58	840.00	3,964.58	68890	01/25/11	9,566.63	02/01/11	N/A	N/A	11	N/A	18	
McCracken Livestock Inc.	L	01/17/11	N/A	No		N/A	01/18/11	179	2,933.64	895.00	3,828.64	68917	01/25/11		02/01/11	N/A	N/A	7	N/A	14	
McCracken Livestock Inc.	L	01/19/11	N/A	No		N/A	01/20/11	94	1,715.35	470.00	2,185.35	68917	01/25/11	6,013.99	02/01/11	N/A	N/A	7	N/A	12	
McCracken Livestock Inc.	L	01/24/11	N/A	No		N/A	01/25/11	172	2,954.73	860.00	3,814.73	69164	02/02/11		02/07/11	N/A	N/A	8	N/A	13	
McCracken Livestock Inc.	L	01/25/11	N/A	No		N/A	01/27/11	130	2,459.08	650.00	3,109.08	69164	02/02/11		02/07/11	N/A	N/A	6	N/A	11	
McCracken Livestock Inc.	L	01/27/11	N/A	No		N/A	01/28/11	212	4,002.78	1,060.00	5,062.78	69164	02/02/11	11,986.59	02/07/11	N/A	N/A	5	N/A	10	
McCracken Livestock Inc.	L	01/31/11	N/A	No		N/A	02/01/11	185	3,421.93	925.00	4,346.93	69317	02/09/11		02/15/11	N/A	N/A	8	N/A	14	
McCracken Livestock Inc.	L	02/02/11	N/A	No		N/A	02/03/11	130	2,496.32	650.00	3,146.32	69317	02/09/11	7,493.25	02/15/11	N/A	N/A	6	N/A	12	
McCracken Livestock Inc.	L	02/03/11	N/A	No		N/A	02/04/11	183	3,507.25	915.00	4,422.25	69400	02/10/11		02/15/11	N/A	N/A	6	N/A	11	
McCracken Livestock Inc.	L	02/07/11	N/A	No		N/A	02/08/11	210	3,351.50	1,050.00	4,401.50	69400	02/10/11	8,823.75	02/15/11	N/A	N/A	2	N/A	7	
McCracken Livestock Inc.	L	02/09/11	N/A	No		N/A	02/10/11	133	2,461.96	665.00	3,126.96	69533	02/16/11		02/22/11	N/A	N/A	6	N/A	12	
McCracken Livestock Inc.	L	02/10/11	N/A	No		N/A	02/11/11	141	2,438.18	705.00	3,144.18	69533	02/16/11	6,271.14	02/22/11	N/A	N/A	5	N/A	11	
McCracken Livestock Inc.	L	02/16/11	N/A	No		N/A	02/17/11	115	2,342.82	575.00	2,917.82	69654	02/21/11		02/25/11	N/A	N/A	4	N/A	8	
McCracken Livestock Inc.	L	02/17/11	N/A	No		N/A	02/18/11	138	2,488.51	895.00	3,383.51	69654	02/21/11	6,101.33	02/25/11	N/A	N/A	3	N/A	7	
McCracken Livestock Inc.	L	02/23/11	N/A	No		N/A	02/24/11	108	2,129.09	540.00	2,669.09	69882	02/28/11		03/04/11	N/A	N/A	4	N/A	8	
McCracken Livestock Inc.	L	02/24/11	N/A	No		N/A	02/25/11	127	2,165.92	635.00	2,800.92	69882	02/28/11	5,470.01	03/04/11	N/A	N/A	3	N/A	7	
McCracken Livestock Inc.	L	03/02/11	N/A	No		N/A	03/03/11	130	2,676.94	650.00	3,326.94	70051	03/08/11		03/14/11	N/A	N/A	5	N/A	11	
McCracken Livestock Inc.	L	03/03/11	N/A	No		N/A	03/04/11	164	3,335.91	820.00	4,155.91	70051	03/08/11	7,482.85	03/14/11	N/A	N/A	4	N/A	10	
McCracken Livestock Inc.	L	03/10/11	N/A	No		N/A	03/11/11	242	4,477.39	1,210.00	5,687.39	70224	03/15/11	5,687.39	03/21/11	N/A	N/A	4	N/A	10	
McCracken Livestock Inc.	L	03/21/11	N/A	No		N/A	03/22/11	166	3,182.16	830.00	4,012.16	70535	03/25/11		03/30/11	N/A	N/A	3	N/A	8	
McCracken Livestock Inc.	L	03/23/11	N/A	No		N/A	03/24/11	90	1,906.10	450.00	2,356.10	70535	03/25/11	6,366.25	03/30/11	N/A	N/A	1	N/A	6	
McCracken Livestock Inc.	L	03/28/11	N/A	No		N/A	03/29/11	107	1,892.51	540.00	2,532.51	70713	04/01/11	2,532.51	04/05/11	N/A	N/A	3	N/A	7	
McCracken Livestock Inc.	L	04/04/11	N/A	No		N/A	04/05/11	105	2,263.59	525.00	2,788.59	70889	04/08/11		04/14/11	N/A	N/A	3	N/A	9	
McCracken Livestock Inc.	L	04/05/11	N/A	No		N/A	04/07/11	86	1,560.83	330.00	1,890.83	70889	04/08/11	4,678.42	04/14/11	N/A	N/A	1	N/A	7	
McCracken Livestock Inc.	L	04/11/11	N/A	No		N/A	04/12/11	86	1,206.34	340.00	1,546.34	71181	04/20/11		04/25/11	N/A	N/A	8	N/A	13	
McCracken Livestock Inc.	L	04/14/11	N/A	No		N/A	04/15/11	90	1,726.33	450.00	2,176.33	71181	04/20/11	3,716.67	04/25/11	N/A	N/A	5	N/A	10	

- (a) Add trucking, less beef promotion.
- (b) This firm contracted with Buckeye Veal for trucking. Buckeye Veal was paid directly by Atlantic for the trucking costs.
- (c) AVL pays \$5.00 per head additional to McCracken
- (v) Not applicable
- (L) = Purchase on a Live Weight Basis
- (CW) = Purchase on a Carcass Weight Basis