

UNITED STATES DEPARTMENT OF AGRICULTURE 2001 JUN -1 P 4: 27

BEFORE THE SECRETARY OF AGRICULTURE RECEIVED

In re:	)	P. & S. Docket No. D-99-0012
	)	
Farmland National Beef Packing	)	
Company, L.P.,	)	
	)	Decision Without Hearing by Reason
Respondent	)	of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*) (hereinafter sometimes referred to as the "Act") by a Complaint and Notice of Hearing filed by the Administrator, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture (hereinafter, "GIPSA"), alleging that the Respondent wilfully violated the Act. Complainant subsequently filed an Amended Complaint and Notice of Hearing. Respondent denies having committed any violation of 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 only the jurisdictional allegations in paragraph I of the Complaint and Notice of Hearing and specifically admits that the Secretary has jurisdiction in this matter, 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.

The Complainant agrees to the entry of this Decision.

### Findings of Fact

1. Respondent, Farmland National Beef Packing Company, L.P., is a partnership composed of Farmland Industries, Inc. and U.S. Premium Beef LTD, whose business mailing address is 10100 North Executive Hills Boulevard, Suite 400, Kansas City, Missouri 64153.
2. Respondent was at all times material herein:
  - (a) Engaged in the business of buying livestock in commerce for purposes of slaughter, manufacturing or preparing meat or meat food products for sale or shipment in commerce, and marketing meat and meat food products acting as a wholesale broker, dealer or distributor in commerce; and
  - (b) A packer within the meaning of and subject to the Act.

### Conclusions

The parties agree and recognize that the Packers and Stockyards Act does not require Respondent to visit, to offer bids or buy cattle from any particular seller, including Callicrate Feedyard, unless Respondent's failure to do so constitutes a violation of the Packers and Stockyards Act. The parties further agree and recognize that retaliation is a violation of section 202 of the Packers and Stockyards Act.

Respondent admits the jurisdictional facts but denies having committed any violation of the Act, and the parties having agreed to the entry of this Decision, such Decision will be entered.

### Order

Respondent, Farmland National Beef Packing Company, L.P., its officers, directors, agents, employees, successors and assigns, individually or through any corporate or other device, in connection with its operations subject to the Act, shall not engage in any unfair or unjustly

discriminatory practice or subject any cattle seller to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

This Order does not require Respondent to visit, offer bids or buy cattle from any particular seller, including Callicrate Feedyard, unless the failure to do so is a violation of section 202 of the Packers and Stockyards Act.

Respondent recognizes that it has benefited from the cost and expense incurred by GIPSA in conducting its investigation of this matter because GIPSA has clarified Respondent's rights and responsibilities under the law and wishes to reimburse GIPSA. However, as reimbursement is not provided for by law, Respondent agrees to pay the Treasury of the United States \$95,000 in lieu of reimbursement.

