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UNITED STATES DEPARTMENT OF AGRICULTURE PM 3:24
BEFORE THE SECRETARY OF AGRICULTURE

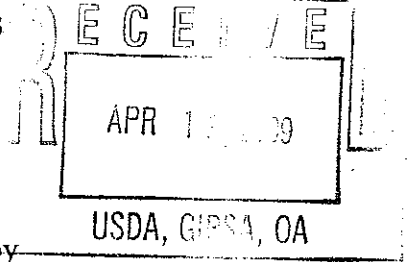
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In re:

Premium Gold Foods, LLC

Respondent

P&S Docket No. D-08-0123



Decision Without Hearing by
Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act), by a Complaint and Notice of Hearing filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Premium Gold Foods, LLC wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138)(Rules of Practice).

Respondent admits 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.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Premium Gold Foods, LLC (Respondent PGF) is a limited liability corporation incorporated in the state of Texas, whose business address is 7000 Bee Caves Road, Suite 305, Austin, TX 78746.
2. From the relevant period of October 2006 to December 2006, Respondent PGF was:
 - a. engaged in the business of buying and selling livestock in commerce for its own account;
 - b. registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for its own account;
 - c. engaged in the business of marketing meats, meat food products, livestock products, or livestock products in an unmanufactured form acting as a wholesale dealer or distributor in commerce; and
 - d. a packer within the meaning of and subject to the provisions of the Act.
3. In March 2007 and April 2007, Respondent was
 - a. engaged in the business of purchasing livestock in commerce for the purpose of slaughter;
 - b. engaged in the business of marketing meats, meat food products, livestock products, or livestock products in an unmanufactured form acting as a wholesale dealer or distributor in commerce; and
 - c. a packer within the meaning of and subject to the provisions of the Act.
4. Respondent is currently:
 - a. engaged in the business of marketing meats, meat food products, livestock products, or livestock products in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce; and
 - b. a packer within the meaning of and subject to the provisions of the Act.

Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, this decision will be entered.

Order

Respondent, its agents and employees, directly or through any corporate or other device, in connection with its activities subject to the Act, shall cease and desist from failing to pay when due for livestock.

In accordance with section 203(b) of the Act (7 U.S.C. § 213(b)), Respondent is assessed a civil penalty in the amount of ninety thousand five hundred dollars (\$90,500).


The provisions of this order shall become final and effective upon issuance.

Copies of this decision shall be served upon the parties.

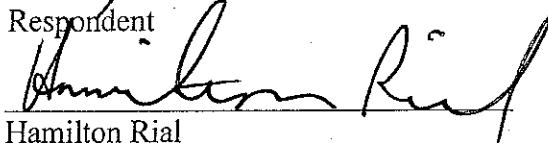
Done at Washington, D.C.

this 9th day of April, 2009

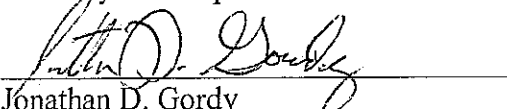

Administrative Law Judge



for Premium Gold Foods, L.L.C.
Respondent



Hamilton Rial
Attorney for Respondent



Jonathan D. Gordy
Attorney for Complainant