

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P&S Docket No. D-12-0175
)
Kopp's Turkey Sales, Inc.)
d/b/a Kopp's Turkeys, Inc.)
)
And)
)
Kevin Kopp)
)
Respondents) Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §§ 181 et seq.), by a complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that respondents Kopp's Turkey Sales, Inc. doing business as Kopp's Turkeys and Kevin Kopp willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. §§ 201.1 et seq.). This decision is entered pursuant to the consent decision provision of the rules of practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, 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

(a) Respondent Kopp's Turkey Sales, Inc. is a corporation organized under the laws of the State of Ohio which does business as Kopp's Turkeys, Inc., and which has its principal place of business located at 10964 Campbell Road, Harrison, Ohio, 45030.

(b) Respondent Kevin Kopp is an individual whose mailing address is 16216 Pumhouse Road, Brookville, Indiana, 47012.

(c) Respondent Kevin Kopp at all times material herein was:

- (1) President of respondent Kopp's Turkey Sales, Inc.;
- (2) Owner of 100% of the stock issued by respondent Kopp's Turkey Sales, Inc.;
- (3) Responsible for the direction, management and control of respondent Kopp's Turkey Sales, Inc..

(d) Respondents, at all times material to the complaint:

- (1) Engaged in the business of obtaining live poultry by purchase for the purpose of selling for slaughter by another;
- (2) Obtained, sold and shipped poultry products in commerce; and
- (3) Operated as a live poultry dealer subject to the provisions of the Act.

Conclusions

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

Order

(1) Respondents, their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall cease and desist from failing to pay and failing to pay, when due, the full purchase price of live poultry as required by section 410 of the Act (7 U.S.C. § 228b-1).

(2) In accordance with section 411 of the Act (7 U.S.C. § 228b-2), respondent is assessed a civil penalty in the amount of Ten Thousand Dollars (\$10,000.00).

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become final and effective on the sixth day after service of this Consent decision and Order on respondent.

Copies of this decision shall be served upon the parties.

Kevin Kopp

Kevin Kopp, on behalf of himself and on
behalf of Kopp's Turkeys Sales, Inc.
Respondents

Krishna Ramaraju

Krishna G. Ramaraju
Attorney for Complainant

Done at Washington, D.C.

this 9th day of February, 2012

Peter M. Davenport

PETER M. DAVENPORT
Administrative Law Judge