

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

2015 JUN 23 AM 2:11

RECEIVED
0169

In re:) P & S Docket No. D-15-
Amana Meat Market, Inc.,)
Respondent)
)
)
) Complaint and Notice of Hearing

There is reason to believe that the respondent named herein has willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act), and therefore this Complaint and Notice of Hearing is issued alleging the following:

I

(a) Amana Meat Packing, Inc. (Respondent), is a corporation organized and existing under the laws of the State of Michigan. Respondent's business mailing address is 15242 W. Warren Ave., Dearborn, MI 48126.

(b) Respondent is and, 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.

II

(a) On November 16, 2012, Respondent submitted information to Complainant on P&SP¹ Form 1400, indicating that Respondent purchased \$577,995.19 of livestock for slaughter in 2011.

¹ P&SP refers to the Packers & Stockyards Program of the Grain Inspection, Packers and Stockyards Administration (GIPSA), an agency of the U.S. Department of Agriculture (USDA).

(b) On January 30, 2013, Respondent received, by certified mail, a Notice of Default (NOD), informing Respondent that it was operating subject to the Act without the required bond. The NOD directed Respondent to obtain and file a \$10,000 condition 4 bond or bond equivalent, and advised Respondent that continuing its livestock operations without a properly filed bond or bond equivalent is a violation of the Act and regulations promulgated thereunder.

(c) Notwithstanding receipt of the NOD, Respondent has continued to engage in the business of a packer without obtaining an adequate bond or its equivalent as required by the Act and the regulations. As detailed in the schedule attached hereto as Appendix A, Respondent's livestock purchases from Clare County Livestock Auction, LLC (Clare County), a posted stockyard under the Act, are well in excess of \$500,000.00 annually. Respondent purchased \$824,464.95 of livestock from Clare County in 2013, and \$894,593.57 in 2014. Respondent continues to make weekly livestock purchases from Clare County in 2015, averaging in excess of \$16,000.00, which annualizes to more than \$800,000.00.

III

By reason of the facts alleged herein, Respondent has willfully violated Section 202(a) of the Act (7 U.S.C. § 192(a)); Supplement to the Act (7 U.S.C. § 204); and Sections 201.29 – 201.31 of the regulations promulgated under the Act (9 C.F.R. §§ 201.29-201.31).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has in fact willfully violated the Act and the regulations promulgated thereunder, this Complaint and Notice of Hearing shall be served upon Respondent. Respondent shall have twenty (20) days after receipt of this Complaint and Notice of Hearing in which to file an answer with the Hearing Clerk, Room 1031 – South Building, United States Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9200, in accordance with the Rules

of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer shall constitute an admission of all the material allegations of this Complaint and Notice of Hearing.

Respondent is 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, Respondent 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 that Respondent cease and desist from violating the Act with respect to 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 20th day of August, 2015



SUSAN B. KEITH
Deputy Administrator
Packers and Stockyards Program

TRACY M. MCGOWAN
Attorney for Complainant
U.S. Department of Agriculture
Office of the General Counsel
Marketing, Regulatory, and Food Safety
Programs Division
1400 Independence Avenue, S.W.
Room 2319, South Building
Washington, D.C. 20250-1400
Telephone: (202) 720-7439
Tracy.McGowan@ogc.usda.gov

Appendix A

Reference Number	Quantity	Unit Price	Supplier Name
1/7/2013	11	\$18,805.95	Clare County Livestock Auction, LLC
1/14/2013	11	\$18,157.45	Clare County Livestock Auction, LLC
1/21/2013	7	\$11,625.00	Clare County Livestock Auction, LLC
1/28/2013	9	\$16,219.75	Clare County Livestock Auction, LLC
2/4/2013	8	\$13,411.48	Clare County Livestock Auction, LLC
2/11/2013	9	\$15,726.01	Clare County Livestock Auction, LLC
2/18/2013	10	\$17,997.35	Clare County Livestock Auction, LLC
2/25/2013	8	\$15,273.30	Clare County Livestock Auction, LLC
3/4/2013	8	\$14,001.15	Clare County Livestock Auction, LLC
3/11/2013	7	\$12,606.20	Clare County Livestock Auction, LLC
3/18/2013	8	\$12,183.26	Clare County Livestock Auction, LLC
3/25/2013	7	\$11,602.68	Clare County Livestock Auction, LLC
4/1/2013	9	\$15,227.75	Clare County Livestock Auction, LLC
4/8/2013	9	\$15,418.58	Clare County Livestock Auction, LLC
4/15/2013	10	\$17,298.70	Clare County Livestock Auction, LLC
4/22/2013	9	\$13,764.75	Clare County Livestock Auction, LLC

4/29/2013	11	\$19,929.53	Clare County Livestock Auction, LLC
5/6/2013	11	\$20,231.88	Clare County Livestock Auction, LLC
5/13/2013	8	\$15,030.25	Clare County Livestock Auction, LLC
5/20/2013	9	\$16,469.30	Clare County Livestock Auction, LLC
5/27/2013	10	\$18,731.96	Clare County Livestock Auction, LLC
6/3/2013	9	\$15,840.45	Clare County Livestock Auction, LLC
6/10/2013	10	\$17,732.28	Clare County Livestock Auction, LLC
6/17/2013	9	\$17,306.88	Clare County Livestock Auction, LLC
6/24/2013	9	\$16,564.05	Clare County Livestock Auction, LLC
7/1/2013	8	\$14,355.45	Clare County Livestock Auction, LLC
7/8/2013	10	\$16,913.60	Clare County Livestock Auction, LLC
7/15/2013	9	\$15,866.95	Clare County Livestock Auction, LLC
7/22/2013	9	\$16,035.48	Clare County Livestock Auction, LLC
7/29/2013	9	\$16,313.85	Clare County Livestock Auction, LLC
8/5/2013	9	\$16,463.78	Clare County Livestock Auction, LLC
8/12/2013	10	\$17,755.68	Clare County Livestock Auction, LLC
8/19/2013	7	\$12,843.00	Clare County Livestock Auction, LLC
8/26/2013	10	\$17,568.31	Clare County Livestock Auction, LLC
9/2/2013	11	\$19,240.30	Clare County

			Livestock Auction, LLC
9/9/2013	9	\$15,673.10	Clare County Livestock Auction, LLC
9/16/2013	10	\$17,037.38	Clare County Livestock Auction, LLC
9/23/2013	9	\$16,709.63	Clare County Livestock Auction, LLC
9/30/2013	8	\$15,015.75	Clare County Livestock Auction, LLC
10/7/2013	10	\$18,373.40	Clare County Livestock Auction, LLC
10/14/2013	7	\$13,751.60	Clare County Livestock Auction, LLC
10/21/2013	7	\$13,089.06	Clare County Livestock Auction, LLC
10/28/2013	8	\$14,845.00	Clare County Livestock Auction, LLC
11/4/2013	7	\$13,410.63	Clare County Livestock Auction, LLC
11/11/2013	9	\$15,590.70	Clare County Livestock Auction, LLC
11/18/2013	9	\$17,669.55	Clare County Livestock Auction, LLC
11/25/2013	6	\$12,796.15	Clare County Livestock Auction, LLC
12/2/2013	9	\$18,109.95	Clare County Livestock Auction, LLC
12/9/2013	6	\$12,018.38	Clare County Livestock Auction, LLC
12/16/2013	8	\$15,288.83	Clare County Livestock Auction, LLC
12/23/2013	9	\$16,443.40	Clare County Livestock Auction, LLC
12/30/2013	10	\$18,130.10	Clare County Livestock Auction, LLC
Total 2013 Purchases		\$824,464.95	

Purchase Date	No. of Shares	Livestock Auction	Market Value
1/6/2014	7	\$15,313.40	Clare County Livestock Auction, LLC
1/13/2014	7	\$14,187.43	Clare County Livestock Auction, LLC
1/20/2014	8	\$16,863.30	Clare County Livestock Auction, LLC
1/27/2014	8	\$17,571.00	Clare County Livestock Auction, LLC
2/3/2014	7	\$15,355.68	Clare County Livestock Auction, LLC
2/10/2014	7	\$14,821.80	Clare County Livestock Auction, LLC
2/17/2014	7	\$16,904.85	Clare County Livestock Auction, LLC
2/24/2014	8	\$18,041.95	Clare County Livestock Auction, LLC
3/3/2014	7	\$16,136.00	Clare County Livestock Auction, LLC
3/10/2014	8	\$18,474.80	Clare County Livestock Auction, LLC
3/17/2014	8	\$19,201.65	Clare County Livestock Auction, LLC
3/24/2014	8	\$18,160.23	Clare County Livestock Auction, LLC
3/31/2014	8	\$18,604.05	Clare County Livestock Auction, LLC
4/7/2014	7	\$15,269.40	Clare County Livestock Auction, LLC
4/14/2014	8	\$17,749.35	Clare County Livestock Auction, LLC
4/21/2014	8	\$16,982.30	Clare County Livestock Auction, LLC

4/28/2014	9	\$19,780.10	Clare County Livestock Auction, LLC
5/5/2014	7	\$14,931.68	Clare County Livestock Auction, LLC
5/12/2014	10	\$21,404.15	Clare County Livestock Auction, LLC
5/19/2014	9	\$19,527.40	Clare County Livestock Auction, LLC
5/26/2014	10	\$22,466.95	Clare County Livestock Auction, LLC
6/2/2014	8	\$15,537.35	Clare County Livestock Auction, LLC
6/9/2014	7	\$15,374.95	Clare County Livestock Auction, LLC
6/16/2014	8	\$18,308.90	Clare County Livestock Auction, LLC
6/23/2014	9	\$20,101.95	Clare County Livestock Auction, LLC
6/30/2014	9	\$21,640.55	Clare County Livestock Auction, LLC
7/7/2014	9	\$20,779.73	Clare County Livestock Auction, LLC
7/14/2014	7	\$16,285.90	Clare County Livestock Auction, LLC
7/21/2014	9	\$16,687.45	Clare County Livestock Auction, LLC
7/28/2014	8	\$19,607.23	Clare County Livestock Auction, LLC
8/4/2014	6	\$16,087.95	Clare County Livestock Auction, LLC
8/11/2014	7	\$17,358.20	Clare County Livestock Auction, LLC
8/18/2014	7	\$15,997.85	Clare County Livestock Auction, LLC
8/25/2014	9	\$18,889.65	Clare County Livestock Auction, LLC
9/1/2014	8	\$16,683.80	Clare County

			Livestock Auction, LLC
9/8/2014	8	\$17,305.40	Clare County Livestock Auction, LLC
9/15/2014	8	\$17,019.75	Clare County Livestock Auction, LLC
9/22/2014	8	\$18,161.83	Clare County Livestock Auction, LLC
9/29/2014	7	\$15,233.10	Clare County Livestock Auction, LLC
10/6/2014	7	\$15,517.05	Clare County Livestock Auction, LLC
10/13/2014	8	\$17,614.15	Clare County Livestock Auction, LLC
10/20/2014	8	\$17,327.65	Clare County Livestock Auction, LLC
10/27/2014	8	\$19,784.20	Clare County Livestock Auction, LLC
11/3/2014	6	\$14,258.10	Clare County Livestock Auction, LLC
11/10/2014	8	\$21,148.38	Clare County Livestock Auction, LLC
11/17/2014	5	\$12,093.80	Clare County Livestock Auction, LLC
11/24/2014	5	\$11,815.40	Clare County Livestock Auction, LLC
12/1/2014	7	\$17,568.53	Clare County Livestock Auction, LLC
12/8/2014	7	\$17,227.60	Clare County Livestock Auction, LLC
12/15/2014	7	\$17,196.80	Clare County Livestock Auction, LLC
12/22/2014	6	\$14,636.95	Clare County Livestock Auction, LLC
12/29/2014	6	\$13,595.95	Clare County Livestock Auction, LLC
Total 2014 Purchases		\$894,593.57	

Clare County Livestock Auction, LLC			
Sub-Total of Livestock Purchases			
Purchase/Invoice Date	No. of Head	Livestock Amount	Seller Name
1/5/2015	6	\$15,102.75	Clare County Livestock Auction, LLC
1/12/2015	7	\$17,349.40	Clare County Livestock Auction, LLC
1/19/2015	7	\$15,560.45	Clare County Livestock Auction, LLC
1/26/2015	7	\$14,969.15	Clare County Livestock Auction, LLC
2/2/2015	7	\$17,719.75	Clare County Livestock Auction, LLC
2/9/2015	6	\$14,239.70	Clare County Livestock Auction, LLC
2/16/2015	8	\$18,586.45	Clare County Livestock Auction, LLC
Total 2015 Purchases		\$113,527.65	