

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

2011 OCT 31 PM 3: 49

In re:)
)
Den Franco Corporation)
a/k/a Chiappetti Lamb and Veal,)
and Dennis Chiappetti, individually,)
)
Respondents)

P & S Docket No. D-11-0040 RECEIVED

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 an Amended Complaint and Notice of Hearing filed on November 2, 2011 by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondents willfully violated the Act and the regulations issued thereunder (9 C.F.R. § 201.1 et seq.) (hereinafter referred to as the “regulations”). 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).

This Consent Decision relates specifically to Respondent Dennis Chiappetti, individually (“Chiappetti”), and Respondent Chiappetti and his counsel expressly deny any ability to enter into a consent decision on behalf of the Corporate Respondent in this case. However, Complainant is satisfied with the agreement herein, entered into with Respondent Chiappetti, and will not further prosecute the above captioned case as it relates to Corporate Respondent. Complainant considers the above captioned case resolved in its entirety upon the effective date of this Consent Decision, and Complainant agrees that there will be no further or other prosecution of either Respondent by Complainant for transactions enumerated in paragraphs II

through IV of the Amended Complaint nor for transactions occurring at any time prior to the effective date of this Consent Decision.

Respondent Chiappetti specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure in this proceeding, 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 for the purpose of settling this proceeding.

Findings of Fact

1) Corporate Respondent, at all times material herein, was a corporation organized and existing under the laws of the State of Illinois. Its business mailing address was 8910 W. 192nd Street, Suite E, Mokena, Illinois 60448.

2) Corporate Respondent, at all times material herein was:

(a) Engaged in the business of buying livestock in commerce for the purposes of slaughter; and

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

3) Respondent Chiappetti is an individual whose business address was at one time 8910 W. 192nd Street, Suite E, Mokena, Illinois 60448.

4) Respondent Chiappetti was:

(a) President of the corporate Respondent;

(b) Owner of 100% of the stock of the corporate Respondent;

Order

Respondent Chiappetti, directly or through any corporate or other device, in connection with all activities subject to the Act, shall cease and desist from failing to pay and failing to pay, when due, for livestock purchases, in accordance with sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a) and 228b) and section 201.43(b) of the regulations (9 C.F.R. § 201.43(b)).

Pursuant to section 203 of the Act (7 U.S.C. § 193), Respondent Chiappetti is assessed a civil penalty in the amount of \$10,000.00, which will be payable in full within one year, at a rate of at least \$833.34 per month, until paid. Payments will be made to the "United States Treasury", and shall be sent to the following address: USDA, GIPSA, P.O. Box 790335, St. Louis, MO 63179-0335. The docket number of this proceeding, P&S Docket No. D-11-0040 shall appear on each check or money order.

The provisions of this Order shall become effective immediately upon service of this Order on the Respondent Chiappetti's counsel.

Copies of this decision shall be served upon the parties.

[Redacted]

Christopher Young
Attorney For Complainant

10/6/11
Date

[Redacted]

Jar Paul Miller

10/24/11
Date
10/21/11
Date

Christina M. Berish
Attorneys For Respondent Chiappetti

Done at Washington, D.C.

this 31 day of Oct, 2011

[Redacted]

Jill S. Clifton
Administrative Law Judge