

OFFICE OF ADMINISTRATIVE LAW JUDGES
Hearing Clerk's Office

Document Distribution Form

Docket #: 13-0316

Document(s): CONSENT DECISION-JS

1. Date sent to: Respondent(s) Petitioner(s): 11/4/2013

- Regular Mail Fax Certified Mail
 Registered Mail FedEx Personal Service
 Other:

Address:

PREMIER POULTRY, INC.
2282 RUOTE 178
WEST BETHEL, NEW YORK
12726

2. Date sent to OGC: 11/4/2013

Date sent to Agency: 11/4/2013

- Inter-Office Mail Inter-Office Mail
 Messenger Messenger
 Pick-Up Pick-Up
 Other Other

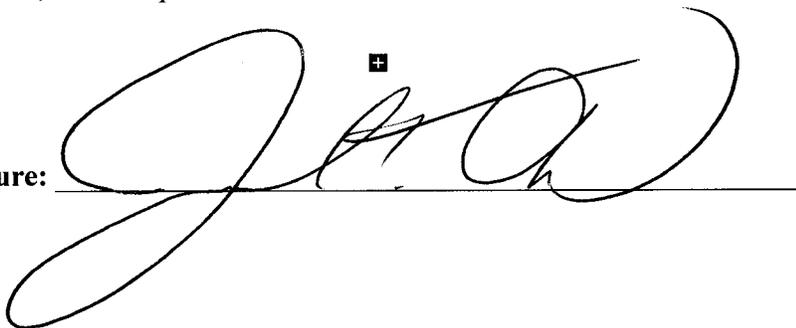
OGC - Served and Address:

Tracey Manoff, Esq.
Office of General Counsel
Room 2324-S, Mail Stop 1405

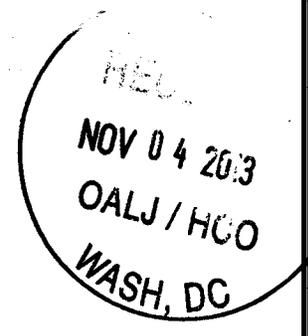
Agency - Served and Address:

S. Brett Offutt
GIPSA
Room 2055 South Bldg.

Signature: _____



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P & S Docket No. 13-0316
Premier Poultry, Inc.)
Respondent) CONSENT DECISION

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (the Act), 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 the respondent willfully violated the Act and the regulations issued thereunder (9 C.F.R. § 201.1 *et seq.*). 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).

The respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, 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

(a) Premier Poultry, Inc., hereinafter referred to as respondent, is a business incorporated in the State of New York and located at 2282 Route 17B, West Bethel, New York 12726.

(b) Respondent at all times material herein was engaged in the business as a live poultry dealer in the State of New York.

Conclusions

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

Order

1. Respondent shall cease and desist from paying growers not in accordance with the Packers and Stockyards Act. Respondent, as a live poultry dealer, shall pay live poultry growers in accordance with 7 U.S.C. § 228b-1(a) of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*). Each live poultry dealer obtaining live poultry by purchase in a cash sale shall, before the close of the next business day following the purchase of poultry, and each live poultry dealer obtaining live poultry under a poultry growing arrangement shall, before, the close of the fifteenth day following the week in which the poultry is slaughtered, deliver, to the cash seller or poultry grower from whom such live poultry dealer obtains the poultry, the full amount due to such cash seller or poultry grower on account of such poultry.

2. In accordance with section 312(b) of the Act (7 U.S.C. § 213(b)), respondent is assessed a civil penalty of eleven thousand dollars (\$ 11,000.00). The respondent shall send a certified check or money order for eleven thousand dollars (\$ 11,000.00) made out to "Treasurer of the United States", to the United States Department of Agriculture, Office of the General Counsel, 14th and Independence Ave., S.W., ATTN: Tracey Manoff, Room 2324, South Building, Washington, D.C. 20250-1400. The check or money order should be mailed by Federal Express, United Postal Service or any other service where delivery of mail is acknowledged.

3. The provisions of this order shall become effective on the sixth day after service of this order on respondent.

Copies of this decision shall be served upon the parties.

Premier Poultry, Inc. Respondent

[Redacted]

Date: 10/28/13

Juan Rodriguez, Sr., Owner

[Redacted]

Date: 10/31/13

Tracey Manoff
Attorney for Complainant

Issued in Washington, D.C.

This 4th day of Nov., 2013

[Redacted]

Administrative Law Judge

JANICE K. BULLARD

7012 1010 0002 0090 8685

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL™



7012 1010 0002 0090 8685

7012 1010 0002 0090 8685

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance)

For delivery information visit our website

OFFICIAL

Postage \$

Certified Fee

Return Receipt For
(Endorsement Rec)

Restricted Dr
(Endorsement)

To:

Street
or P.O. Box

City, State, ZIP+4

PREMIER POULTRY, INC.
2282 RUOTE 178
WEST BETHEL, NEW YORK 12726

Postmark
Here

PS Form 3800, August 2006

See Reverse for Instructions