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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) P&S Docket No. D-06-0025  
)  
Andrew Pudliner, d/b/a, )  
Pudliner Packing )  
)  
Respondents ) Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), hereinafter the “Act,” by a Complaint and Notice of Hearing filed by the Deputy Administrator, Packers and Stockyards Program, United States Department of Agriculture alleging that the Respondent willfully violated the Act. This Decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted By the Secretary Under Various Statutes (7 C.F.R. § 1.138).

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; 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.

Complainant agrees to the entry of this Decision.

Findings of Fact

1. Andrew Pudliner, hereinafter referred to as the “Respondent,” is an individual doing business as Pudliner Packing. Respondent’s mailing address is 167 Norton Road, Johnstown, Pennsylvania 15906.

2. Respondent is, and at all times material herein, was:
- (a) Engaged in the business of buying livestock in commerce for purposes of slaughter;
  - (b) Engaged in the business of slaughtering cattle and manufacturing or preparing meat or meat products for sale or shipment in commerce; and
  - (c) A packer within the meaning of and subject to the Act.

### Conclusions

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

### Order

Respondent Andrew Pudliner, doing business as Pudliner Packing, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

In accordance with section 203(b) of the Act, (7 U.S.C. § 193(b)), Respondent is hereby assessed a civil penalty of three thousand two hundred and fifty dollars (\$3,250.00) which shall be paid within ten days of entry this Order. Respondent's payment shall be made out to "USDA-GIPSA" and sent to USDA-GIPSA, P.O. Box 790335, St. Louis, Missouri 63179-0335. The case docket number, D-06-0025, must appear on the face of the payment instrument.

The provisions of this Order shall become effective on the sixth (6<sup>th</sup>) day after service on Respondent.

Copies of this Decision and Order shall be served on the parties.



ANDREW PUDLINER, D/B/A  
PUDLINER PACKING  
Respondent



CHARLES E. SPICKNALL  
Attorney for Complainant

Issued in Washington D.C.

this 15<sup>th</sup> day of December 2006



ADMINISTRATIVE LAW JUDGE