UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P. & S. Docket No. D-07-0029
	)	
Atlantic Veal and Lamb, Inc.,	)	
Philip Peerless and Martin Weiner,	)	
	)	Decision Without Hearing by Reason of
Respondents	)	Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (hereinafter referred to as the "Act"), by a complaint and notice of hearing filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondents willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (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 Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in paragraph I of the complaint and notice of hearing 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.

Complainant agrees to the entry of this decision.

Findings of Fact

(a) Respondent, Atlantic Veal and Lamb, Inc. (hereinafter, the "Corporate Respondent"), is a corporation whose business mailing address is 275 Morgan Avenue, Brooklyn, New York 11211.

(b) The Corporate Respondent was, at all times material herein:

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

(2) Manufacturing or preparing meat and meat food products for sale and shipment in commerce; and

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

(c) Philip Peerless (hereinafter "Respondent Peerless"), is an individual whose business mailing address is 275 Morgan Avenue, Brooklyn, New York 11211.

(d) Respondent Peerless was, at all times material herein:

(1) President of the Corporate Respondent;

(2) Owner of 50% of the stock of the Corporate Respondent;

(3) Responsible, along with Respondent Martin Weiner, for the direction, management and control of the business activities of the Corporate Respondent, including the acts and practices alleged herein; and

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

(e) Martin Weiner (hereinafter "Respondent Weiner"), is an individual whose business mailing address is 275 Morgan Avenue, Brooklyn, New York 11211.

(f) Respondent Weiner was, at all times material herein:

(1) Secretary/Treasurer of the Corporate Respondent;

(2) Owner of 50% of the stock of the Corporate Respondent;

(3) Responsible, along with Respondent Peerless, for the direction, management and control of the business activities of the Corporate Respondent, including the acts and practices alleged herein; and

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

(g) At all times material herein, Respondents Peerless and Weiner were alter-egos of the Corporate Respondent.

Conclusions

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

Order

Respondents Atlantic Veal and Lamb, Inc., Philip Peerless and Martin Weiner, their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Act, shall hereinafter cease and desist from failing to pay the full amount of the purchase price for livestock within the time period required by the Act.

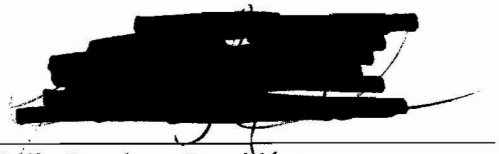
Pursuant to section 203(b) of the Act (7 U.S.C. § 193(b)), Respondents are assessed a civil penalty, jointly and severally, in the amount of Twelve Thousand Five Hundred Dollars ($12,500.00).

The provisions of this order shall become final and effective upon issuance.

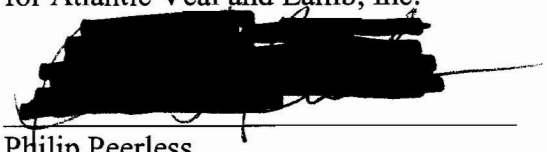
Copies of this decision shall be served upon the parties.

Issued this 7th day of February, 2007.

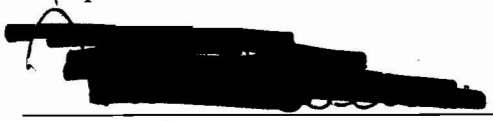
Administrative Law Judge
PETER M. DAVENPORT



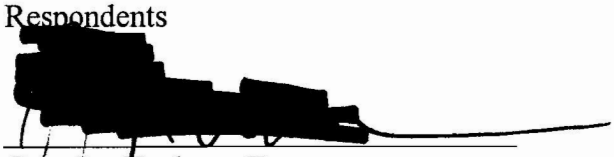
Philip Peerless, President
for Atlantic Veal and Lamb, Inc.



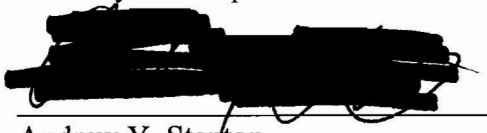
Philip Peerless



Martin Weiner
Respondents



Gary Jay Kushner, Esq.
Attorney for Respondents



Andrew Y. Stanton
Attorney for Complainant