

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D-01-0012
)
Salah Abdalla and Hassan Boukhari)
d/b/a Wells Processing Plant)
a/k/a Badr Halal Meat Plant)
)
Respondents) Decision Without Hearing
) By Reason of Consent

RECEIVED

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), 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 the Respondents violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 et seq.). This decision is entered pursuant to the consent decision provision of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in paragraph I of the complaint 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.

The Complainant agrees to the entry of this decision.

Findings of Fact

1. Salah Abdalla and Hassan Boukhari d/b/a Wells Processing Plant a/k/a Badr Halal Meat Plant, hereinafter referred to as the Respondents, are a partnership whose business mailing address is 711 East Woodlawn Avenue, Brighton, Tennessee 38011.

2. The Respondents are, and at all times material herein were:

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

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

Conclusions

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

Order

Respondents Salah Abdalla and Hassan Boukhari, their agents and employees, doing business as Wells Processing Plant a/k/a Badr Halal Meat Plant or through any corporate or other device, in connection with their operations subject to the Packers and Stockyards Act, shall cease and desist from:

1. Engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act, as amended and supplemented, and the regulations, without filing and maintaining an adequate bond or its equivalent, as required by the Act and the regulations;
2. Failing to pay, when due, the full purchase price of livestock; and
3. Keeping incomplete records and accounts that do not fully and correctly disclose all transactions involved in the Respondents' business.

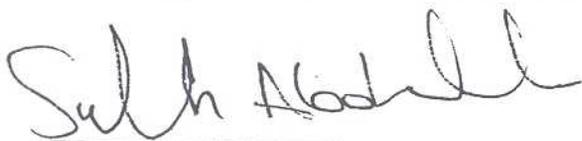
In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondents Salah Abdalla and Hassan Boukhari d/b/a Wells Processing Plant a/k/a Badr Halal Meat Plant are assessed jointly and severally a civil penalty in the amount of Two Thousand Dollars (\$ 2,000.00).

Respondents, in connection with their operations as a packer, shall keep and maintain

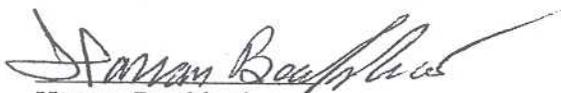
such records and accounts as fully and correctly disclose all their business transactions subject to the Act and the regulations, including but not limited to: kill sheets that include dates and sources of livestock; purchase invoices that include dates, sources of livestock, and complete seller names and addresses; sales invoices that include dates, payment methods, and complete buyer names and addresses; a customer list that includes complete customer names and addresses; a cash disbursement journal; a cash receipts journal; a check register that includes dates, complete payee names, and dollar amounts of each check issued; bank statements; and monthly reconciliations of their bank account. Respondents shall comply with requests for these records and accounts by the Secretary or the Secretary's representative.

The provisions of this order shall become effective on the sixth day after service of this decision on the Respondents.

Copies of this decision shall be served upon the parties.



Salah Abdalla
Respondent

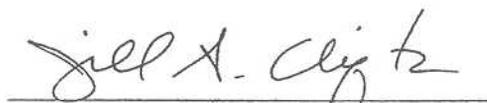


Hassan Boukhari
Respondent



Clara Kim
Attorney for Complainant

Issued this 13 day of August 2002


Administrative Law Judge