

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P. & S. Docket No. D- 02-0009
)
Agriprocessors, Inc.)
)
Respondent) Decision Without Hearing
) By Reason of Consent

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 Respondent 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).

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

1. Agriprocessors, Inc., hereinafter referred to as Respondent, is a corporation organized and existing under the laws of the State of Iowa. Its business mailing address is 220 West Street, P.O. Box 920, Postville, Iowa 52162.

2. Respondent is, and at all times material herein was:

(a) Engaged in the business of buying livestock in commerce for purposes of slaughter, and manufacturing or preparing meat and meat food products for sale or shipment in commerce; and

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

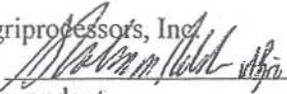
Respondent Agriprocessors, Inc., its agents and employees, directly or through any corporate or other device, in connection with its operations subject to the Packers and Stockyards Act, shall cease and desist from:

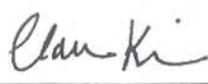
1. Failing to pay, when due, the full purchase price of livestock as required by section 409 of the Act (7 U.S.C. § 228b);
2. Failing to deposit checks issued in payment for livestock in the mail before the close of the next business day after the purchase of such livestock as required by section 409 of the Act (7 U.S.C. § 228b) and section 201.99 of the regulations (9 C.F.R. § 201.99).

In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent Agriprocessors, Inc., is assessed a civil penalty in the amount of Thirty-seven Thousand and Five Hundred Dollars (\$ 37,500.00).

The provisions of this order shall become effective on the first day after service of this decision on the Respondent.

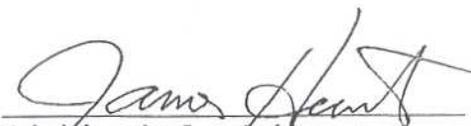
Copies of this decision shall be served upon the parties.

Agriprocessors, Inc.
by 
Respondent



Clara Kim
Attorney for Complainant

Issued this 7th day of March 2002



Administrative Law Judge