UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P&S Docket No. 12-0575
Florence Meat Packing Co., Inc., d/b/a White House Packing Company,	)	
and	)	
Gypson J. and Sonia G. Fernandez,	)	
Respondents	)	Decision Without Hearing By Reason of Consent

This is a disciplinary proceeding under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), hereinafter the "Act." A Complaint and Notice of Hearing ("Complaint") was issued against Respondents alleging that Respondents had failed to pay for over $270,000 of livestock and that Respondents have willfully violated sections 202(a) and 409 of the Act (7 U.S.C. § 192(a), 228b) and section 201.43 of the regulations (9 C.F.R. 201.43).

Complainant and Respondent have now agreed to entry of this Decision, without hearing or further procedure, 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).

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:

Findings of Fact

1. Respondent Florence Meat Packing Co., Inc., d/b/a White House Packing Company, hereinafter referred to as respondent corporation, is a corporation organized under the laws of the State of South Carolina, with its principal place of business located at 266 Bethesda Church Road, Fairmont, North Carolina 28340.

2. (b) Respondents Gypson J. and Sonia G. Fernandez are individuals whose current address is in the State of Georgia. Their address will not be stated in the complaint to protect their privacy but will be provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service of this complaint.

3. Respondent corporation, under the direction, management, and control of respondents Gypson J. and Sonia G. Fernandez, at all times material herein was:

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

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

4. Respondent corporation ceased operations on or about August 26, 2011.

5. Respondents Gypson J. and Sonia G. Fernandez at all times material herein were:

   a. President and Secretary, respectively, of respondent corporation;

   b. Together owned 100% of respondent corporation; and

   c. Responsible for the direction, management and control of respondent corporation.

   d. Packers within the meaning of and subject to the provisions of the Act.

Conclusions of Law

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

Order

Respondents their agents and employees, directly or through any corporate or other device, in connection with Respondents' activities subject to the Packers and Stockyards Act, shall cease and desist from:

(1) purchasing livestock except under the condition that Respondents must deliver to the seller or his duly authorized representative the full amount of the purchase price by payment in United States currency by wire transfer before the close of the next business day following the purchase of livestock and transfer of possession, and such condition shall continue until application of the Packers and Stockyards Administration for a supplemental order modifying the condition; and,

(2) failing to pay, when due, the full amount of the purchase price of livestock as required by Section 409 of the Act (7 U.S.C. § 228b).

Copies of this Decision and Order shall be served on the parties. The provisions of this Order shall become effective upon issuance.

[redacted]

Respondent Gypson J. Fernandez

[redacted]

Respondent Sonia G. Fernandez

[redacted]

Jonathan D. Gordy
Attorney for Complainant

Issued in Washington D.C.
this 1 day of NOV, 2012

[redacted]

ADMINISTRATIVE LAW JUDGE
Janice K. Bullard