

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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| In re: |) | P & S Docket No. 16-0043 |
| |) | |
| |) | |
| American Pacific, Inc. - International, |) | |
| |) | |
| |) | |
| Respondent |) | Consent Decision |

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Respondent American Pacific, Inc. – International willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.) (Regulations). This Consent Decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

Respondent American Pacific, Inc. – International 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 Consent Decision.

Complainant agrees to the entry of this Consent Decision.

Findings of Fact

1. American Pacific, Inc. – International (Respondent) is a corporation organized under the laws of the State of Hawaii with a mailing address of PO Box 10, Ninole, Hawaii 96773.
2. Respondent, at all times material to the Complaint, was:
 - (a) Engaged in the business of a dealer buying and selling livestock in commerce for the account of others;
 - (b) Engaged in the business of a market agency buying livestock in commerce on a commission basis; and
 - (c) Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce for the account of others.

Conclusion

Respondent American Pacific, Inc. – International having admitted the jurisdictional facts and the parties having agreed to the entry of this Consent Decision, the Consent Decision will be entered.

Order

Respondent American Pacific, Inc. – International, its owners, officers, agents, and employees, directly or through any corporate or other device, in connection with its operations subject to the Act, shall cease and desist from:

1. Engaging in business in any capacity for which bonding is required under the Act and the Regulations, without filing and maintaining an adequate bond or its equivalent, as required by the Act and the Regulations; and
2. Failing to have any scale that it owns or operates subject to the Act and the

Regulations tested at six-month intervals in accordance with section 201.72 of the Regulations (9 C.F.R. § 201.72).

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become effective upon issuance.

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

Done at Washington, D.C.

this 14 day of MAR, 2016



Administrative Law Judge

Jill S. Clifton

American Pacific, Inc. – International,
Respondent,

By: 

Title: *President*


Leah C. Battaglioli *l*
Attorney for Complainant