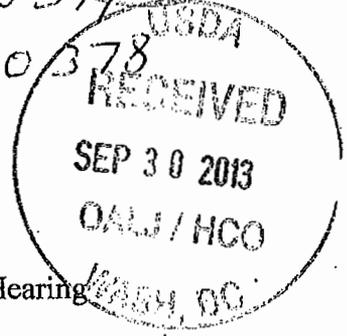


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P & S Docket No. D-13- 03778
)
)
) **Leader Meret Halal**) P & S Docket No. D-13- 0378
) **Meat Corp and**)
) **Murat Gumus**)
)
)
)
)
) Respondents) Complaint and Notice of Hearing



There is reason to believe that the Respondents named herein have willfully violated provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), (Act), and therefore, this Complaint and Notice of Hearing is issued alleging the following:

I

(a) Leader Meret Halal Meat Corp, herein referred to as Respondent Corporation, is a corporation organized and existing under the laws of the State of New York. Respondent Corporation's business mailing address is 4702 3rd Avenue, Brooklyn, NY 11220.

(b) Murat Gumus, herein referred to as Respondent Gumus, is an individual who served as 100% owner of Respondent Corporation at all times material herein.

(c) Respondents, at all times material herein, were:

1. Engaged in the business of buying livestock in commerce for the purposes of slaughter and manufacturing or preparing meats or meat products for sale or shipment in commerce; and
2. Operating as a packer within the meaning of and subject to the provisions of the Act.

II

On August 20, 2012, Respondents received a Notice of Default (NOD), advising Respondents of the requirements to become bonded as a packer under the Act. The NOD also advised Respondents that their continued livestock operations without properly filing a bond or bond equivalent constituted a violation of the Act. Notwithstanding receipt of this NOD, Respondents continued to purchase and sell livestock as a packer without a bond under the Act. See Appendices A and B.

III

On or about the dates and in the transactions set forth in Appendices A and B, Respondents purchased livestock and failed to pay, within the time period required by the Act, the full purchase price of such livestock.

IV

On or about the dates and in the transactions set forth in Appendix C, Respondents issued checks in payment for livestock purchases which were returned by the bank upon which they were drawn; these checks were returned because Respondents did not have and maintain sufficient funds on deposit and available in the account upon which the check was drawn to pay such check when presented.

V

By reason of the facts alleged herein, Respondents have willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§192(a) and 228b), as well as section 201.29 of the regulations (9 C.F.R. § 201.29).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondents have in fact willfully violated the Act, this Complaint and Notice of Hearing shall be served upon Respondents. Respondents shall have twenty (20) days after receipt of this Complaint and Notice of Hearing in which to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this Complaint and Notice of Hearing.

Respondents are hereby notified that unless hearing is waived, either expressly or by failure to answer and request a hearing, a hearing will be held in accordance with the Rules of Practice, at a place and time to be designated later. At the hearing, Respondents will have the right to appear and show cause why an appropriate Order should not be issued in accordance with the provisions of the Act which requires that Respondents cease and desist from violating the Act with respect to matters alleged herein and assesses such civil penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.
this 26th day of September, 2013

Susan B. Keith

Susan B. Keith
Deputy Administrator
Packers and Stockyards Program

Brian Sylvester, Esq.
Attorney for Complainant
U.S. Department of Agriculture
Office of the General Counsel
Regulatory Division
1400 Independence Avenue, S.W.
Room 2319
Washington, D.C. 20250-1413



Appendix A

Schedule of Failure to Pay within time period required by the Act for Livestock

Purchase Date	Seller's Name	Number of Head	Total Invoice	Payment Date	Payment Instrument	Payment Amount
9/17/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	28	\$26,574.36	9/23/2012	Check	\$24,669.80
9/17/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	303	\$30,765.25	9/23/2012	Check	\$24,669.81
				9/24/2012	Cash	\$8,000.00
		331	\$57,339.61			\$57,339.61
9/24/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	36	\$34,825.68	9/30/2012	Check	\$29,681.12
9/24/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	370	\$38,536.55	9/30/2012	Check	\$29,681.11
				10/1/2012	Cash	\$14,000.00
		406	\$73,362.23			\$73,362.23
10/1/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	27	\$20,563.25	10/8/2012	Check	\$23,017.60
10/1/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	268	\$28,971.95	10/8/2012	Check	\$23,017.60
				10/8/2012	Cash	\$3,500.00
		295	\$49,535.20			\$49,535.20



Appendix A

Schedule of Failure to Pay within time period required by the Act for Livestock

Purchase Date	Seller's Name	Number of Head	Total Invoice	Payment Date	Payment Instrument	Payment Amount
10/8/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	36	\$30,253.66	10/15/2012	Check	\$28,036.10
10/8/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	264	\$32,318.55	10/15/2012	Check	\$28,036.11
				10/15/2012	Cash	\$6,500.00
		300	\$62,572.21			\$62,572.21
10/22/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	50	\$44,255.87	10/27/2012	Check	\$16,460.21
10/23/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	168	\$13,514.05	10/27/2012	Check	\$16,460.21
				10/29/2012	Cash	\$24,850.00
		218	\$57,769.92			\$57,770.42
10/29/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	21	\$11,869.23	11/5/2012	Check	\$29,011.48
10/29/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	196	\$19,447.55	11/5/2012	Check	\$29,011.48
11/5/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	25	\$22,851.63	11/5/2012	Cash	\$17,500.00
11/5/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	197	\$21,354.55			



Appendix A

Schedule of Failure to Pay within time period required by the Act for Livestock

Purchase Date	Seller's Name	Number of Head	Total Invoice	Payment Date	Payment Instrument	Payment Amount
		439	\$75,522.96			\$75,522.96
11/12/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	31	\$26,157.56	11/12/2012	Check	\$22,175.96
11/13/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	277	\$27,193.35	11/12/2012	Check	\$22,175.95
				11/12/2012	Cash	\$8,999.00
		308	\$53,350.91			\$53,350.91
11/19/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	30	\$21,548.61	11/12/2012	Check	\$22,981.03
11/19/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	270	\$27,913.45	11/12/2012	Check	\$22,981.03
				11/19/2012	Cash	\$3,500.00
		300	\$49,462.06			\$49,462.06
12/3/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	29	\$24,376.97	12/7/2012	Check	\$22,048.63
12/3/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	218	\$25,620.30	12/7/2012	Check	\$22,048.64
				12/3/2013	Cash	\$5,900.00



Appendix A

Schedule of Failure to Pay within time period required by the Act for Livestock

Purchase Date	Seller's Name	Number of Head	Total Invoice	Payment Date	Payment Instrument	Payment Amount
		247	\$49,997.27			\$49,997.27
12/10/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	30	\$28,202.08	12/10/2012	Check	\$27,380.84
12/10/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	306	\$32,509.60	12/10/2012	Check	\$27,380.84
				12/10/2012	Cash	\$5,950.00
		336	\$60,711.68			\$60,711.68
12/17/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	41	\$34,557.94	12/18/2012	Check	\$32,961.05
12/18/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	436	\$39,054.15	12/18/2012	Check	\$32,961.04
				12/18/2012	Cash	\$7,690.00
		477	\$73,612.09			\$73,612.09



Appendix B

Schedule of Failure to Pay When Due for Livestock

Purchase Date	Seller's Name	Number of Head	Net Invoice	Due Date	Payment Date	Payment Instrument	Payment Amount	Days Late Per Instrument Date
9/17/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	28	\$26,574.36	09/18/12	09/23/12	Check	\$24,669.80	6
9/17/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	303	\$30,765.25	09/18/12	09/23/12	Check	\$24,669.81	6
					09/24/12	Cash	\$8,000.00	
		331	\$57,339.61				\$57,339.61	
10/1/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	27	\$20,563.25	10/02/12	10/08/12	Check	\$23,017.60	6
10/1/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	268	\$28,971.95	10/02/12	10/08/12	Check	\$23,017.60	6
					10/08/12	Cash	\$3,500.00	
		295	\$49,535.20				\$49,535.20	
10/8/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	36	\$30,253.66	10/09/12	10/15/12	Check	\$28,036.10	6
10/8/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	264	\$32,318.55	10/09/12	10/15/12	Check	\$28,036.11	6
					10/15/12	Cash	\$6,500.00	
		300	\$62,572.21				\$62,572.21	
10/15/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	32	\$28,295.53	10/16/12	10/22/12	Check	\$34,475.52	6
10/16/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	386	\$46,600.50	10/17/12	10/22/12	Check	\$34,475.01	5



Appendix B

Schedule of Failure to Pay When Due for Livestock

Purchase Date	Seller's Name	Number of Head	Net Invoice	Due Date	Payment Date	Payment Instrument	Payment Amount	Days Late Per Instrument Date
					10/22/12	Cash	\$5,945.00	
		418	\$74,896.03				\$74,895.53	
10/22/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	50	\$44,255.87	10/23/12	10/27/12	Check	\$16,460.21	6
10/23/2012	New Holland Sales Stables, Inc. New Holland, PA 17557	168	\$13,514.05	10/24/12	10/27/12	Check	\$16,460.21	5
					10/29/12	Cash	\$24,850.00	
		218	\$57,769.92				\$57,770.42	
10/29/12	New Holland Sales Stables, Inc. New Holland, PA 17557	21	\$11,869.23	10/30/12	11/05/12	Check	\$29,011.48	6
10/29/12	New Holland Sales Stables, Inc. New Holland, PA 17557	196	\$19,447.55	10/30/12	11/05/12	Check	\$29,011.48	6
11/05/12	New Holland Sales Stables, Inc. New Holland, PA 17557	25	\$22,851.63	11/06/12	11/05/12	Cash	\$17,500.00	Timley
11/05/12	New Holland Sales Stables, Inc. New Holland, PA 17557	197	\$21,354.55	11/06/12				Timley
		439	\$75,522.96				\$75,522.96	
12/03/12	New Holland Sales Stables, Inc. New Holland, PA 17557	29	\$24,376.97	12/04/12	12/07/12	Check	\$22,048.63	3
12/03/12	New Holland Sales Stables, Inc. New Holland, PA 17557	218	\$25,620.30	12/04/12	12/07/12	Check	\$22,048.64	3
					12/03/13	Cash	\$5,900.00	



Appendix B

Schedule of Failure to Pay When Due for Livestock

Purchase Date	Seller's Name	Number of Head	Net Invoice	Due Date	Payment Date	Payment Instrument	Payment Amount	Days Late Per Instrument Date
		247	\$49,997.27				\$49,997.27	
01/28/13	New Holland Sales Stables, Inc. New Holland, PA 17557	182	\$21,479.10	01/29/13	02/03/13	Check	\$17,000.00	5
01/28/13	New Holland Sales Stables, Inc. New Holland, PA 17557	14	\$11,561.05	01/29/13	02/03/13	Check	\$17,000.00	5
01/31/13	New Holland Sales Stables, Inc. New Holland, PA 17557	8	\$11,421.10	02/01/13	02/04/13	Cash	\$10,462.00	3
		204	\$44,461.25				\$44,462.00	
02/04/13	New Holland Sales Stables, Inc. New Holland, PA 17557	172	\$23,616.10	02/05/13	02/11/13	Check	\$19,819.14	6
02/04/13	New Holland Sales Stables, Inc. New Holland, PA 17557	27	\$25,722.93	02/05/13	02/11/13	Check	\$19,819.14	6
					02/11/13	Cash	\$9,700.00	
		199	\$49,339.03				\$49,338.28	
02/11/13	New Holland Sales Stables, Inc. New Holland, PA 17557	244	\$29,337.60	02/12/13	02/18/13	Check	\$25,000.00	6
02/11/13	New Holland Sales Stables, Inc. New Holland, PA 17557	27	\$28,872.66	02/12/13	02/18/13	Check	\$25,000.00	6
					02/18/13	Cash	\$8,210.26	
		271	\$58,210.26				\$58,210.26	



Appendix B

Schedule of Failure to Pay When Due for Livestock

Purchase Date	Seller's Name	Number of Head	Net Invoice	Due Date	Payment Date	Payment Instrument	Payment Amount	Days Late Per Instrument Date
02/18/13	New Holland Sales Stables, Inc. New Holland, PA 17557	181	\$25,238.40	02/19/13	02/25/13	Check	\$22,850.00	6
02/18/13	New Holland Sales Stables, Inc. New Holland, PA 17557	32	\$31,619.09	02/19/13	02/25/13	Check	\$22,850.00	6
					02/25/13	Cash	\$11,158.00	
		213	\$56,857.49				\$56,858.00	
02/25/13	New Holland Sales Stables, Inc. New Holland, PA 17557	34	\$36,044.41	02/26/13	03/04/13	Check	\$29,996.35	6
02/25/13	New Holland Sales Stables, Inc. New Holland, PA 17557	213	\$30,468.80	02/26/13	03/04/13	Check	\$29,996.35	6
					03/04/13	Cash	\$6,520.00	
		247	\$66,513.21				\$66,512.70	
03/04/13	New Holland Sales Stables, Inc. New Holland, PA 17557	197	\$31,030.65	03/05/13	03/11/13	Check	\$29,890.41	6
03/04/13	New Holland Sales Stables, Inc. New Holland, PA 17557	37	\$37,130.18	03/05/13	03/11/13	Check	\$29,890.42	6
					03/11/13	Cash	\$8,380.00	
		234	\$68,160.83				\$68,160.83	
03/11/13	New Holland Sales Stables, Inc. New Holland, PA 17557	37	\$34,148.90	03/12/13	03/18/13	Check	\$32,777.67	6



Appendix B

Schedule of Failure to Pay When Due for Livestock

Purchase Date	Seller's Name	Number of Head	Net Invoice	Due Date	Payment Date	Payment Instrument	Payment Amount	Days Late Per Instrument Date
03/11/13	New Holland Sales Stables, Inc. New Holland, PA 17557	352	\$46,906.45	03/12/13	03/18/13	Check	\$32,777.68	6
					03/18/13	Cash	\$15,500.00	
		389	\$81,055.35				\$81,055.35	
03/18/13	New Holland Sales Stables, Inc. New Holland, PA 17557	42	\$37,036.40	03/19/13	03/25/13	Check	\$30,435.55	6
03/19/13	New Holland Sales Stables, Inc. New Holland, PA 17557	357	\$38,834.70	03/20/13	03/25/13	Check	\$30,435.55	5
					03/25/13	Cash	\$15,000.00	
		399	\$75,871.10				\$75,871.10	



Appendix C

Schedule of Checks Returned Unpaid for Livestock

Purchase Date	Seller's Name	Number of Head	Net Invoice	Due Date	Payment Date	Payment Instrument	Check Number	Payment Amount	Date Check Returned	Replacement Check Date	Replacement Check Number	Replacement Check Amount	Days Late	Instrument Date to Date Cleared	Remarks
11/26/12	New Holland Sales Stables, Inc. New Holland, PA 17557	27	\$25,272.82	11/27/12	11/26/12	Check	1358	\$27,544.18	12/6/2012	11/26/2012	1374	\$27,544.18	15	N/A	Days Late is calculated by subtracting due date from date replacement check 1374 (for NSF check 1358) cleared. Payment was \$20.00 short.
11/26/12	New Holland Sales Stables, Inc. New Holland, PA 17557	303	\$32,535.55	11/27/12	11/26/12	Check	1359	\$27,544.19					15	7	
					11/26/12	Cash		\$2,700.00							
		330	\$57,808.37					\$57,788.37							
03/25/13	New Holland Sales Stables, Inc. New Holland, PA 17557	30	\$31,106.64	03/26/13	04/01/13	Check	204	\$23,974.00	4/16/2013	Unknown	237	\$34,000.00	34	N/A	Days Late is calculated by subtracting due date from date replacement check 237 (for NSF check 204) cleared. Payment was \$0.61 over.
03/26/13	New Holland Sales Stables, Inc. New Holland, PA 17557	284	\$27,840.75	03/27/13	04/01/13	Check	205	\$23,974.00					33	7	
					04/01/13	Cash	N/A	\$11,000.00							
		314	\$58,947.39					\$58,948.00							