

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. 13-0117
)
 Central Beef Industries, LLC)
)
 and)
)
 Marshall M. Chernin,)
)
 Respondents.) Complaint and Notice of Hearing

There is reason to believe that the respondents named herein have willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), hereinafter referred to as the “Act,” and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*), hereinafter referred to as the “regulations.” Therefore, this complaint and notice of hearing is issued alleging the following:

I.

(a) Respondent Central Beef Industries, LLC is a limited liability company organized under the laws of the State of Florida with its principal place of business located at 571 West Kings Highway, Center Hill, Florida 33514. Its mailing address is P.O. Box 399, Center Hill, Florida 33514.

(b) Central Beef Industries is, and at all times material herein was:

- (1) Engaged in the business of buying livestock in commerce for the purpose of slaughter; and
- (2) A packer within the meaning of and subject to the provisions of the Act.

(c) Central Beef Industries average annual purchases of livestock exceeds \$500,000.

(d) Respondent Marshall M. Chernin is an individual and his business mailing address is P.O. Box 399, Center Hill, Florida 33514.

(e) Marshall M. Chernin is, and at all times material herein was:

- (1) A 55% owner of Central Beef Industries, LLC;
- (2) Responsible for the direction, management and control of the operations of Central Beef Industries including the acts and practices alleged in this complaint to be in violation of the Act and regulations; and
- (3) Engaged in the business of buying livestock in commerce for the purpose of slaughter; and
- (4) A packer within the meaning of and subject to the provisions of the Act.

II.

On May 4, 2009, a Consent Decision was issued in In re: Central Beef Ind., LLC, P & S Docket No. D-09-0086, a copy of which is attached hereto as "Exhibit A". In that Consent Decision the Respondent Central Beef Industries, LLC was ordered to cease and desist from purchasing livestock and failing to pay, when due, the full purchase price of livestock and was assessed a civil penalty in the amount of fourteen thousand dollars (\$14,000.00).

III.

(a) On or about the dates and in the transactions set forth below Respondent Central Beef Industries, under the direction, management and control of Respondent Marshall Chernin purchased livestock in commerce and failed to pay, when due, the full purchase price of such livestock.

<u>Purchase Date</u>	<u>Seller</u>	<u>No. Head</u>	<u>Livestock Amount</u>	<u>Date Due</u>	<u>Days Late</u>
10/10/10	Cattlemen's Livestock	42	21,959.86	10/12/10	10
10/21/10	Cattlemen's Livestock	41	23,873.31	10/22/10	7
10/23/10	Fairchild Livestock Sales, Inc.	18	10,082.88	10/25/10	4
10/26/10	Dominique's Livestock Mkt, Inc.	27	15,246.02	10/27/10	6
10/26/10	Dominique's Livestock Mkt, Inc.	30	16,620.43	10/27/10	6
10/27/10	Dominique's Livestock Mkt, Inc.	62	33,807.98	10/28/10	6
10/30/10	Amite Livestock Sales, Inc.	65	36,909.97	11/01/10	8
10/30/10	Fairchild Livestock Sales, Inc.	19	12,306.12	11/01/10	7
11/01/10	Dominique's Livestock Mkt, Inc.	37	22,100.48	11/02/10	7
11/02/10	Dominique's Livestock Mkt, Inc.	14	7,913.95	11/03/10	6
11/02/10	Amite Livestock Sales, Inc.	72	41,353.21	11/03/10	6
11/03/10	Dominique's Livestock Mkt, Inc.	22	12,532.06	11/04/10	8
11/06/10	Fairchild Livestock Sales, Inc.	20	13,110.26	11/08/10	7
11/08/10	Dominique's Livestock Mkt, Inc.	67	39,140.31	11/09/10	7
11/09/10	Dominique's Livestock Mkt, Inc.	25	14,128.91	11/10/10	6
11/09/10	Amite Livestock Sales, Inc.	37	23,097.74	11/10/10	6
11/11/10	Cattlemen's Livestock	53	30,293.98	11/12/10	10
11/16/10	Amite Livestock Sales, Inc.	32	18,635.85	11/17/10	6
11/18/10	Cattlemen's Livestock	53	30,419.27	11/19/10	10
11/20/10	Fairchild Livestock Sales, Inc.	58	33,759.92	11/22/10	8
12/07/10	Amite Livestock Sales, Inc.	49	30,834.67	12/08/10	7
12/14/10	Amite Livestock Sales, Inc.	24	17,409.54	12/15/10	6

(b) Respondents did not meet the requirements prescribed by the Secretary in section 201.200 of the Title 9, Code of Federal Regulations, for purchasing livestock on credit.

IV.

By reason of the facts alleged in paragraphs II and III, respondents willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a) and 228b) and section 201.200 of the regulations (9 C.F.R. §201.200).

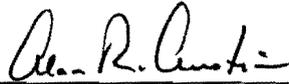
WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondents have in fact willfully violated the Act, this Complaint and Notice of Hearing shall be served upon Respondents. Respondents shall have twenty (20) days after receipt of this Complaint and Notice of Hearing in which to file an answer with the Hearing Clerk, Room 1031, South Building, 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 will constitute an admission of all the material allegations of this Complaint and Notice of Hearing.

Respondents are hereby notified that unless the 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 require that the Respondents cease and desist from violating the

Act with respect to the matters alleged herein and assessing such civil penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

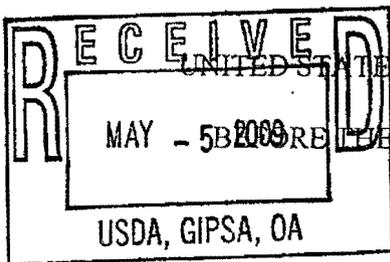
this 12 day of December, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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UNITED STATES DEPARTMENT OF AGRICULTURE
THE SECRETARY OF AGRICULTURE

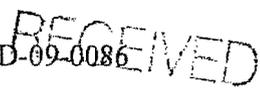
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In re:

USDA, GIPSA, OA
Central Beef Ind., LLC,

Respondent

) P. & S. Docket No. D-09-0086
)
)
) Decision Without Hearing by Reason
) of Consent



This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (hereinafter referred to as the "Act"), by a Complaint and Notice of Hearing filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondent willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in paragraph I of the Complaint and Notice of Hearing 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.

Complainant agrees to the entry of this decision.

Findings of Fact

1. Central Beef Ind., LLC (hereinafter, "Respondent") is a limited liability company organized and existing under the laws of the State of Florida. Respondent's address is P.O. Box 399, 571 Kings Highway, Center Hill, FL 33514.

EXHIBIT A

cc: Brett

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

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

(b) Engaged in the business of slaughtering cattle and manufacturing or preparing meat or meat products for sale or shipment in commerce; and

(c) A packer within the meaning of and subject to 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.

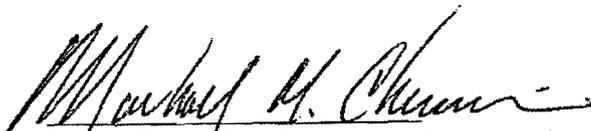
Order

Respondent Central Beef Ind., LLC, its agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent Central Beef Ind., LLC is assessed a civil penalty in the amount of Fourteen Thousand Dollars (\$14,000.00).

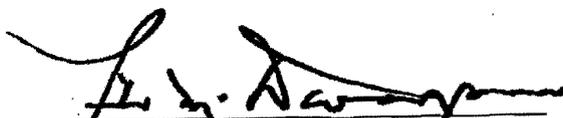
The provisions of this order shall become effective on the sixth day after service of this order on the Respondent.

Copies of this decision shall be served upon the parties.


Marshall M. Chernin, Managing Partner
Central Beef Ind., LLC


Charles L. Kendall
Attorney for Complainant

Issued this 4th day of May, 2009


Administrative Law Judge