

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P. & S. Docket No. D-98-031
)
S.A. Halal Meat, Inc.)
and Mohammed Arshad)
)
Respondent)

DECISION WITHOUT HEARING
BY REASON OF DEFAULT

Preliminary Statement

This is a disciplinary proceeding under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) herein referred to as the Act, instituted by a complaint filed by the Acting Deputy Administrator, Grain Inspection Packers and Stockyards Administration, United States Department of Agriculture, charging that the respondents wilfully violated the Act.

Copies of the complaint and the Rules of Practice (7 C.F.R. §1.130 et seq.) governing proceedings under the Act were served upon respondents by certified mail on August 5, 1998. Respondents were informed in a letter of service that an answer should be filed pursuant to the Rules of Practice and that failure to answer would constitute an admission of all the material allegations contained in the complaint.

Respondents have failed to file an answer within the time prescribed in the Rules of Practice, and the facts alleged in the complaint, which are admitted by respondents failure to file an answer, are adopted and set forth herein as findings of fact.

This decision and order, therefore, is issued pursuant to section 1.139 of the Rules of Practice (7 C.F.R. §1.139).

Findings of Fact

1. S.A. Halal Meat, Inc., hereinafter referred to as the corporate respondent, is a corporation incorporated and doing business in the State of New York, and whose mailing address is 6902 Ridge Boulevard, Apt. D-10, Brooklyn, New York 11209.

2. The corporate respondent is, and at all times material herein was:

(a) Engaged in the business of buying livestock in commerce for the purpose of slaughter, whose average annual purchases of livestock exceed \$500,000; and

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

3. Mohammed Arshad, hereinafter referred to as the individual respondent, is an individual 6902 Ridge Boulevard, Apt. D-10, Brooklyn, New York 11209.

4. The individual respondent is, and at all times material herein was:

(a) President and sole shareholder of the corporate respondent and responsible for its direction, management and control; and

(b) The alter ego of the corporate respondent; and

(c) Engaged in the business of buying livestock in commerce for the purpose of slaughter; and

(d) A packer within the meaning of and subject to the provision of the Act.

5. The corporate respondent, under the direction, management and control of the individual respondent, was notified by a letter of February 4, 1998, hand delivered by Packers and Stockyards Program personnel on March 9, 1998, as set forth in paragraph II(a) in the complaint that it was required to maintain a surety bond or its equivalent in the amount of \$10,000 to secure the performance of its livestock obligations under the Act. The corporate respondent, under the direction, management and control of the individual respondent, has made representations in response to numerous contacts, the last being April 27, 1998, that a bond would be obtained. Notwithstanding such notices, respondents failed to obtain the bond and have continued to engage in the business of a packer buying livestock in commerce for slaughter without maintaining an adequate bond or its equivalent as required by the Act and regulations.

Conclusions

By reason of the facts found in the Finding of Facts herein, respondents have willfully violated section 202(a) of the Act (7 U.S.C. § 192(a)), and sections 201.29 and 201.30 of the regulations (9 C.F.R. §§ 201.29, 201.30)

Order

Respondent, S.A. Halal Meat, Inc., its officers, directors, agents and employees, successors and assigns, directly or indirectly through any corporate or other device, and respondent

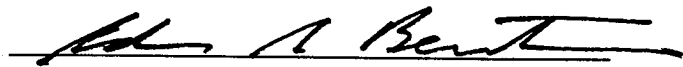
Mohammed Arshad, his agents and employees, successors and assigns, directly or indirectly through any corporate or other device, in connection with their operations subject to the Packers and Stockyards Act, shall cease and desist from engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act, as amended and supplemented, and the regulations without filing and maintaining an adequate bond or its equivalent, as required by the Act and the regulations.

In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), respondents are hereby jointly and severally assessed a civil penalty in the amount of one thousand dollars (\$1,000.00). This decision shall become final and effective without further proceedings 35 days after the date of service upon the respondents, unless it is appealed to the Judicial Officer by a party to the proceeding within 30 days pursuant to section 1.145 of the Rules of Practice (7 C.F.R. §1.145).

Copies hereof shall be served upon the parties.

Done at Washington, D.C.

this 16 day of Dec, 1998



Administrative Law Judge