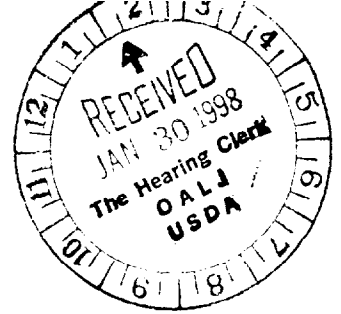


P.S.



UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P. & S. Docket No. D-98-0003
	)	
Pajerski Foods, Inc., d/b/a	)	
Pork King Packing, Inc.,	)	
and Thomas Mileski,	)	
	)	Decision Without Hearing
Respondents	)	by Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. §181 *et seq.*), hereinafter "the Act", by a complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Respondents have wilfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (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. Respondents 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 that purpose only, to the entry of this decision.

### Findings of Fact

1. Pajerski Foods, Inc., doing business as Pork King Packing, Inc., hereinafter referred to as "Corporate Respondent", is incorporated and doing business in the State of Illinois with a business mailing address of 8808 South Route 23, Marengo, Illinois 60152.

2. Corporate respondent is and at all times material herein was:

a. Engaged in the business of buying livestock in commerce for purposes of slaughter, manufacturing or preparing meat or meat food products for sale or shipment in commerce and marketing meat and meat food products acting as a wholesale broker, dealer, or distributor in commerce; and

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

3. Thomas Mileski, hereinafter referred to as "Respondent Mileski", is and at all times material herein was:

a. Vice President and owner of twenty (20) percent of the outstanding shares in Corporate Respondent;

b. In charge of hog procurement and accounting for Corporate Respondent;  
and

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

### Conclusion

As Respondents have admitted the jurisdictional facts and the parties have agreed to the entry of this decision, this decision will be entered.

Order

Corporate Respondent, Pajerski Foods, Inc., its officers, directors, agents and employees, successors and assigns, either directly or through any corporate device, in connection with its activities subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

Respondent Thomas Mileski, his agents and employees, either directly or through any corporate device, in connection with his activities 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, a civil penalty in the amount of five thousand dollars (\$ 5,000.00) is assessed against Corporate Respondent, Pajerski Foods, Inc.

The provisions of this order shall become effective on the first day (1<sup>st</sup>) after service of this order on Respondents.

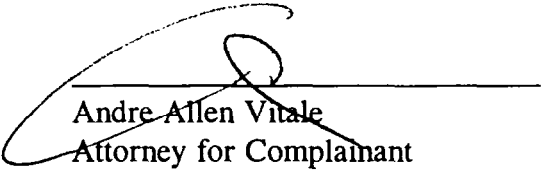
Copies of this decision shall be served upon the parties.

Pajerski Foods, Inc.

By: T. Mileski  
Title: PRE

By: Robert G. Hibbert  
Robert G. Hibbert, Esq.  
McDermott, Will & Emery  
Counsel for Respondents

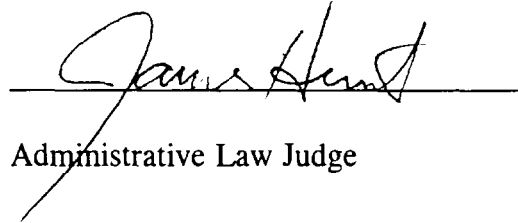
Thomas Mileski  
Thomas Mileski  
Respondents



Andre Allen Vitale  
Attorney for Complainant

Issued in Washington, D.C.

this 30th day of January, 1998



Administrative Law Judge