

UNITED STATES DEPARTMENT OF AGRICULTURE  
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BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	P & S. Docket No. D-04-0002
	)	
Strube Packing Company and	)	
	)	
Al Strube, III	)	
	)	
Respondents	)	Decision Without Hearing
	)	By Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*), by a complaint filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondents wilfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 *et seq.*). This decision is entered pursuant to the consent decision provision of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents Strube Packing Company and Al Strube, III admit the jurisdictional allegations in paragraph I of the Complaint and specifically admit that the Secretary has jurisdiction in this matter, 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 such purpose only, to the entry of this decision.

The Complainant agrees to the entry of this decision.

Findings of Fact

1. Strube Packing Company, hereinafter referred to as "Corporate Respondent," is a corporation organized and existing under the laws of the State of Texas, with a mailing address of P.O. Box 36, Rowena, Texas 76875.

2. Corporate Respondent, at all times material herein, was:

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

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

3. Al Strube, III, hereinafter the "Individual Respondent," is an individual whose mailing address is P.O. Box 36, Rowena, Texas 76875.

4. Individual Respondent at all times material herein was:

(a) The sole director of Corporate Respondent;

(b) Owner of 100 percent of the stock of Corporate Respondent;

(c) Responsible for the day to day direction, management and control of Corporate

Respondent; and

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

Conclusions

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

Order

Respondents Strube Packing Company and Al Strube, III, their 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.

Respondents shall keep and maintain such accounts, records, and memoranda as fully and correctly disclose their transactions subject to the Act and regulations, including but not limited to: check registers reflecting the true dates of the issuance of checks; any and all check mailing agreements; and records accurately reflecting ownership, partnership or corporate status.

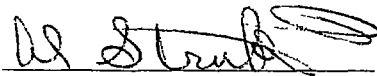
In accordance with section 203(b) of the Act ( 7 U.S.C. § 193(b)), Respondents Strube Packing Company and Al Strube, III are jointly and severally assessed a civil penalty in the amount of Two Thousand Dollars (\$2,000.00).

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

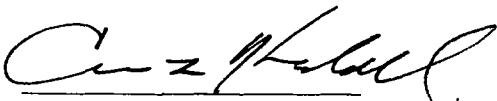
Copies of this decision shall be served upon the parties.

By: 

Attorney for Strube Packing Company only insofar as it relates to claims prior to April 1, 2003




Al Strube III



Charles L. Kendall  
Attorney for Complainant

Issued this 12th day of July, 2005

  
Administrative Law Judge