

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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2004 DEC 17 P 12:11

In re:) P. & S. Docket No. D-04-0016 RECEIVED
A.J. Peachey & Sons, Inc.,)
Respondent) Decision

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), hereinafter “the Act”, by a Complaint and Notice of Hearing filed by the Deputy Administrator, Packers and Stockyards Programs, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondent has willfully 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).

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) A.J. Peachey & Sons, Inc., hereinafter referred to as the Respondent, is a corporation organized and existing under the laws of the State of Pennsylvania. Respondent's business mailing address is 72 Barrville Road, Belleville, PA 17004.

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

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

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

Conclusion

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

Order

Respondent, its officers, directors, agents and employees, successors and assigns, directly or through any corporate or other device, in connection with its operations as a packer subject to the Act, shall cease and desist from failing to pay when due for livestock purchased.

In accordance with section 203(b) of the Act ((7 U.S.C. § 193(b)), Respondent is assessed a civil penalty of \$900.00

The provisions of this order shall become effective on the sixth (6th) day after service of this order on Respondent.

Copies of this decision shall be served upon the parties.

A.J. Peachey & Sons, Inc.

By *A.J. Peachey*
Gen. Manager
Title

Jeffrey J. Armistead
Jeffrey J. Armistead
Attorney for Complainant

Issued in Washington D.C.

this 16th day of December, 2004

Mark R. Hillson

Administrative Law Judge