

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) P. & S. Docket No. D-05-0008  
)  
Donald W. Hallmark and )  
Donald R. Hallmark, d/b/a )  
Hallmark Meat Packing Company )  
)  
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.), 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 Respondents violated the Act and the regulations promulgated thereunder (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 admit the jurisdictional allegations in paragraph I of the Complaint and Notice of Hearing 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) Hallmark Meat Packing Company, hereinafter referred to as the “Partnership Respondent”, is a general partnership organized and existing under the laws of the State of California. Partnership Respondent’s business mailing address is P.O. Box 1927, Chino, California 91708. Partnership

Respondent's business address is 13677 Yorba Avenue, Chino, California 91710.

(2) Partnership 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.

(3) Donald W. Hallmark, hereinafter referred to as "Respondent Hallmark Sr.", is an individual whose mailing address is 4601 Phillips, Ontario, California 91764.

(4) Donald R. Hallmark, hereinafter referred to as "Respondent Hallmark Jr.", is an individual whose mailing address is 3246 Summer Island Ct., Ontario, California 91761.

(5) Respondent Hallmark Sr., and Respondent Hallmark Jr., at all times material herein, were general partners who owned and operated Partnership Respondent and who, in their capacity as general partners, were:

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

and

(b) Packers 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

Respondent Hallmark Sr., Respondent Hallmark Jr., and Partnership Respondent, its officers, directors, agents and employees, successors and assigns, directly or through any corporate or other device, in connection with its operations subject to the Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock and comply with section 409 of the Act

(7 U.S.C. § 228b).

In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondents are assessed a civil penalty of \$13,500.00.

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

Copies of this decision shall be served upon the parties.

Donald W. Hallmark and  
Donald R. Hallmark, d/b/a  
Hallmark Meat Packing Company

By Donald Hallmark D. Hallmark

\_\_\_\_\_  
Title

Clara Kim

Clara Kim  
Attorney for Complainant

Issued in Washington, D.C.

this 25<sup>th</sup> day of May, 2005

Peter M. Davenport  
Administrative Law Judge

**PETER M. DAVENPORT**