

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:)	P. & S. Docket No. D-05-0014
)	
Seabrite, Corp.)	
)	
Respondent)	
)	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 Respondent 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 (7 C.F.R. § 1.138) of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. §1.130 et seq.), hereinafter “Rules of Practice”.

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.

The Complainant agrees to the entry of this Decision.

Findings of Fact

(1) Seabrite, Corp., hereinafter referred to as “Respondent”, is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania. Respondent’s business address is 21072 Back Road, Doylesburg, Pennsylvania 17219. Respondent’s business mailing address is 574 Ferry Street, Newark, New Jersey 07105.

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

(a) Engaged in the business of buying livestock in commerce for the purposes of slaughter and manufacturing or preparing meat or meat food products for sale or shipment in commerce;

and

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

Conclusions

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

Order

Respondent Seabrite, Corp., 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 the full amount of the purchase price of livestock within the time period required by 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)), Respondent is assessed a civil penalty of \$1,500.00.

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

Copies of this decision shall be served upon the parties.

Seabrite, Corp.
By *W. Seabrite*
PRESIDENT
Title

Clara Kim
Clara Kim
Attorney for Complainant

Issued in Washington, D.C.

this 17th day of December, 2005

Peter M. Davenport
Administrative Law Judge
PETER M. DAVENPORT