

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

J. Link
Alan C.
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In re:) P. & S. Docket No. D-08-0138
Mahan Packing Co., Inc.,)
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 to Show Cause filed by the Deputy Administrator, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondent 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 provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (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. Mahan Packing Co., Inc., hereinafter referred to as “Respondent”, is a corporation organized and existing under the laws of the State of Ohio. Its business mailing address is 6540 State Route 45, Bristolville, OH 44402.

CC: Brett

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 meats or meat 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 Mahan Packing Co., Inc., 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, shall cease and desist from:

1. Failing to pay, within the time period required by the Act, the full purchase price of livestock.

In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent Mahan Packing Co., Inc., is assessed a civil penalty of \$7,000.00.

The provisions of this Order shall become effective on the sixth day after service of this

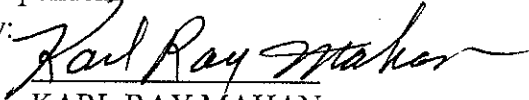
order on the Respondents.

Copies of this decision shall be served upon the parties.

MAHAN PACKING CO., INC.

Respondent

By:



KARL RAY MAHAN

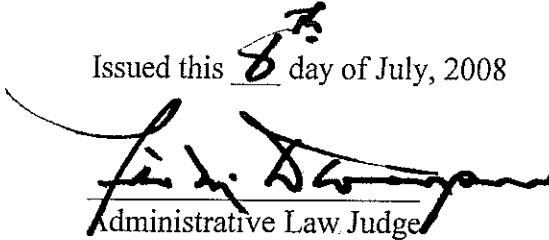
President



ERIC PAUL

Attorney for Complainant

Issued this 8th day of July, 2008



Administrative Law Judge