

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	P & S Docket No. <i>16-0120</i>
Zabiha Halal Meats, Inc., Daniel Ault,)	P & S Docket No. <i>16-0121</i>
Carrie Ault and Corey Hamilton,)	P & S Docket No. <i>16-0122</i>
)	P & S Docket No. <i>16-0123</i>
)	
Respondents))	COMPLAINT and NOTICE OF HEARING

There is reason to believe that the respondents named herein have willfully violated provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*), hereinafter referred to as the Act, and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*) and therefore, this complaint and notice of hearing is issued alleging the following:

I.

(a) Zabiha Halal Meats, Inc., respondent business, is located at 10811 S.E. 00 West, Fairmount, Indiana 46928-9299.

(b) Daniel Ault, respondent, is an owner of respondent business whose mailing address is 10811 S.E. 00 West, Fairmount, Indiana 46928-9299.

(c) Carrie Ault, respondent, is an owner of respondent business whose mailing address is 10811 S.E. 00 West, Fairmount, Indiana 46928-9299.

(d) Corey Hamilton, respondent, is an owner of respondent business whose mailing address is 10811 S.E. 00 West, Fairmount, Indiana 46928-9299.

(e) Respondents operate as a packer as defined under the Act, and require a financial instrument sufficient to cover livestock transactions conducted as a packer.

II.

(a) On or about March 2015 to August, 2015, respondents operated as a packer without a bond or financial instrument, in violation of Section 202(a) (7 U.S.C. § 192(a)) of the Act and Section 201.29(a) of the regulations (9 C.F.R. § 201.29(a)).

(b) On or about March 27, 2015 to May 8, 2015, respondents failed to pay when due for the purchase of livestock, in violation of Section 202 (7 U.S.C. § 192(a)), Section 409 (7 U.S.C. § 228b(a)) of the Act and Section 201.43 of the regulations (See Exhibit 1).

(c) On or about May 8, 2015, respondents issued non-sufficient funds checks for the purchase of livestock, in violation of Section 202 (7 U.S.C. § 192(a)), Section 409 (7 U.S.C. § 228b(c)) of the Act. (See Exhibit 1).

(d) On or about April 2015 to present, respondents failed to maintain adequate records to document livestock purchase transactions, in violation of Section 401 of the Act (7 U.S.C. § 221).

(e) Beginning March 27, 2015, to present, respondents bought livestock from Salem Stockyards, LLC, Salem, Arkansas in multiple transactions and failed to pay in full for such livestock, in violation of Section 202 (7 U.S.C. § 192(a)), Section 409 (7 U.S.C. § 228b(a)) of the Act and Section 201.43 of the regulations (See Exhibit 1).

III.


By reasons of the facts alleged in paragraph II herein, respondents willfully violated Sections 202 (7 U.S.C. § 192(a)), Section 401 of the Act (7 U.S.C. § 221), Section 409 (7 U.S.C. § 228b) of the Act and Section 201.43 of the regulations.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have, in fact, willfully violated the Act, this complaint and notice of hearing shall be served upon the respondents. Respondents shall have twenty (20) days after receipt of this complaint and notice of hearing to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 *et seq.*). Failure to file an answer shall constitute an admission of all the material allegations of this complaint and waiver of hearing.

Respondents are hereby notified that unless the hearing is waived, either expressly or by failure to answer and request a hearing, a hearing will be held in accordance with the Rules of Practice, at a place and time to be designated later. At the hearing, respondents will have the right to appear and show cause why an appropriate order should not be issued in accordance with the provisions of the Act which require that the respondents cease and desist from violating the Act with respect to the matters alleged herein and assessing such civil penalties as are authorized by the Act and warranted in the premises.

Done at Washington, D.C.

This 29th day of June, 2016


Susan B. Keith
Deputy Administrator
Packers and Stockyards Program

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