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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. D- 07-0100
)
)
Berry & Sons,)
Rababeh Islamic Slaughterhouse, Inc.)
)
)
)
)
Respondent) Complaint and Notice of Hearing

There is reason to believe that the Respondent named herein has willfully violated 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 by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.; hereinafter referred to as the “Regulations”), therefore, this complaint and notice of hearing is issued alleging the following:

I.

(a) Berry & Sons, Rababeh Islamic Slaughterhouse, Inc., hereinafter referred to as “Respondent,” is a corporation organized and existing under the laws of the State of Michigan. Respondent’s mailing address is 2496 Orleans Street, Detroit, Michigan 48207.

(b) At all times material herein, Respondent was:

- (1) Engaged in the business of buying livestock in commerce for purposes of slaughter; and
- (2) A packer within the meaning of that term under the Act and subject to the Act.

II.

(a) Respondent was notified by letter, on April 21, 2004 that the Packers and Stockyards Act required all packers whose average annual purchases exceeded \$500,000 to file and maintain a surety bond or bond equivalent, and that the Packers and Stockyards Program had information indicating Respondent has been engaging in livestock operations covered by the Act without obtaining an adequate bond or its equivalent. The letter referenced 7 U.S.C. § 204 and notified the Respondent of its obligation to file proof of suitable bond or bond equivalent with Packers and Stockyards Program before engaging in any operations subject to the Act.

(b) Respondent was notified by certified letter on July 9, 2004, that the Respondent failed to furnish the requested bond coverage and that a continuation of livestock purchases as a packer would be in violation of the bonding requirements in the Packers and Stockyards Act and Regulations. The letter notified Respondent of its obligation to file proof of suitable bond or bond equivalent with Packers and Stockyards Program before engaging in any operations subject to the Act.

(c) On March 3, 2005, a Packers and Stockyards Program representative personally instructed Respondent to submit the required bonding information, and to refrain from engaging in activities subject to the Act until the bonding requirements had been met. Notwithstanding such notice, and subsequent telephone inquiries, Respondent continued to engage in the business as a packer without maintaining an adequate bond or its equivalent as required by the Act and the Regulations.

III.

On or about the dates and in the transactions set forth below, Respondent purchased livestock for the purpose of slaughter without maintaining an adequate bond or bond equivalent. The transactions occurred at United Producers, Inc. in Manchester, Michigan, a posted stockyard, and from G&S Lambs, a livestock dealer in Aplington, Iowa.

Summary of Livestock Transactions for Berry & Sons, Rababeh Islamic Slaughterhouse, Inc.

| Date of Purchase | Name of Seller | Number of Head | Livestock Amount |
|------------------|------------------------|----------------|------------------|
| 1/2/2005 | G & S Lambs | 303 | \$32,973.00 |
| 10/10/2004 | G & S Lambs | 309 | \$28,312.90 |
| 10/17/2004 | G & S Lambs | 300 | \$27,054.04 |
| 10/24/2004 | G & S Lambs | 318 | \$32,273.90 |
| 11/7/2004 | G & S Lambs | 302 | \$28,835.55 |
| 11/14/2004 | G & S Lambs | 292 | \$28,918.20 |
| 11/21/2004 | G & S Lambs | 313 | \$31,780.00 |
| 11/30/2004 | G & S Lambs | 394 | \$42,742.23 |
| 12/5/2004 | G & S Lambs | 334 | \$34,667.00 |
| 12/9/2004 | United Producers, Inc. | 47 | \$4,330.29 |
| 12/12/2004 | G & S Lambs | 274 | \$28,302.20 |
| 12/20/2004 | United Producers, Inc. | 133 | \$13,069.85 |
| 12/23/2004 | United Producers, Inc. | 19 | \$2,323.67 |
| 12/26/2004 | G & S Lambs | 223 | \$22,825.77 |
| 12/27/2004 | United Producers, Inc. | 80 | \$11,144.00 |
| 12/30/2004 | United Producers, Inc. | 121 | \$15,832.60 |
| 1/3/2005 | United Producers, Inc. | 48 | \$6,098.95 |
| 1/6/2005 | United Producers, Inc. | 31 | \$3,769.41 |
| 1/9/2005 | G & S Lambs | 296 | \$36,050.60 |
| 1/10/2005 | United Producers, Inc. | 248 | \$32,046.50 |
| 1/13/2005 | G & S Lambs | 272 | \$31,721.80 |
| 1/16/2005 | G & S Lambs | 274 | \$33,357.75 |
| 1/17/2005 | United Producers, Inc. | 293 | \$30,051.31 |
| 1/20/2005 | G & S Lambs | 306 | \$37,381.95 |
| 1/20/2005 | United Producers, Inc. | 51 | \$6,750.08 |
| 1/23/2005 | G & S Lambs | 225 | \$27,684.85 |
| 1/24/2005 | United Producers, Inc. | 289 | \$36,957.27 |
| 1/27/2005 | United Producers, Inc. | 77 | \$7,952.50 |
| 2/6/2005 | G & S Lambs | 362 | \$44,370.65 |
| | | | |
| | Total | 6,534 | \$719,578.82 |

IV

By reason of the facts alleged in paragraphs II and III, Respondent has willfully violated section 202(a) of the Act (7 U.S.C. § 192(a)), and sections 201.29 and 201.30 of the Regulations (9 C.F.R. §§ 201.29, 201.30).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has in fact willfully violated the Act and Regulations, this Complaint and Notice of Hearing shall be served upon Respondent.

Respondent 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. 20250, in accordance with the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.; hereinafter, "Rules of Practice").

Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer shall constitute an admission of all the material allegations of this Complaint and Notice of Hearing unless parties have agreed to a consent decision pursuant to section 1.138 of the Rules of Practice (7 C.F.R. § 1.138). Respondents are hereby notified that unless 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 time and place to be designated later.

At the hearing, Respondent 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

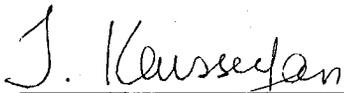
alleged herein and assessing such civil penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 27 day of April, 2007



Alan R. Christian
Deputy Administrator,
Packers and Stockyards Program



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