

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) P & S Docket No. 12-0325
)
Abram Khaimov,)
)
)
)
Respondent) Complaint and Notice of Hearing

There is reason to believe that respondent named herein has willfully violated the 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 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) Abram Khaimov, also known as Abe Khaimou, referred to herein as respondent, is an individual whose mailing address is in the State of New York. In order to protect the personal privacy of respondent his address is not included in this Complaint and Notice of Hearing but has been provided to the Hearing Clerk for the purpose of effectuating service of process.

(b) Respondent Abram Khaimov doing business in his own name and as Royal Meat Inc. at all times material herein, was:

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

(c) Royal Meat Inc., a corporation organized under the laws of the State of New York, with its principal place of business located at 153-08 79th Avenue, Flushing, New York 11367, was dissolved as of December 21, 2009.

(d) Respondent was, at all times material herein, the owner, sole director and officer of Royal Meat Inc.

II.

(a) On or about the dates and in the transaction set forth below, respondent purchased livestock and failed to pay, when due, the full purchase price of such livestock.

| <u>Purchase Date</u> | <u>Seller</u> | <u>No. Head</u> | <u>Invoice Amount</u> | <u>Date Due</u> |
|----------------------|----------------------------|-----------------|-----------------------|-----------------|
| 10/24/08 | Tjernagel Family Livestock | 135 | 8,215.32 | 10/27/08 |
| 10/31/08 | Tjernagel Family Livestock | 73 | 7,002.20 | 11/03/08 |
| 11/7/08 | Tjernagel Family Livestock | 91 | 10,754.13 | 11/10/08 |
| 11/14/08 | Tjernagel Family Livestock | 102 | 11,710.28 | 11/17/08 |
| 11/29/08 | Tjernagel Family Livestock | 105 | 19,056.89 | 12/01/08 |
| 12/4/08 | Tjernagel Family Livestock | 127 | 23,002.70 | 12/05/08 |

(b) As of the date of the issuance of this complaint, the entire amount (\$79,741.52) referred to in paragraph (a) above remains unpaid.

III.

Respondent, at all times material herein, in connection with his operations subject to the Act, failed to keep and maintain records which fully and correctly disclosed all the transactions involved in his business as a packer as required by section 401 of the Act (7 U.S.C. § 221). Specifically, respondent failed to keep and maintain the required documentation, including, but

not limited to all purchase and sales invoices, accounts receivable records, bank statements and deposit slips, and kill sheets, thus respondent failed to keep and maintain records that fully and correctly disclosed all transactions involved in his business as a packer.

IV.

By reason of the facts alleged in paragraph II, respondent willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a) and 228(b)).

By reason of the facts alleged in paragraph III, respondent willfully violated section 401 of the Act (7 U.S.C. § 221).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has in fact willfully violated the Act, 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 in which 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 proceedings under the Act (7 C.F.R. § 1.130 *et seq.*). Failure to file an answer will constitute an admission of all the material allegations of this Complaint and Notice of Hearing.

Respondent is 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, 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 which require that the Respondent 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 under the circumstances.

Done at Washington, D.C.

this 28 day of March, 2012



Alan R. Christian
Deputy Administrator
Packers and Stockyards Program

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