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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) P & S Docket No. D-13- 0175
)
Empacadora y Procesadora del Sur, Inc.,)
f/d/b/a S.J. Meat Processing, Inc.,)
)
and)
)
Carlos C. Rodriguez-Alonso)
)
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.) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.) and therefore, this Complaint and Notice of Hearing is issued alleging the following:

I.

(a) Empacadora y Procesadora del Sur, Inc. is a corporation organized and existing under the laws of the Commonwealth of Puerto Rico. Respondent Empacadora y Procesadora del Sur, Inc.'s business address is Parque Industrial San Idelfonso, Suite 2, Coamo, PR 00769. Its mailing address and address of its registered agent, Carlos Rodriguez-Alonso, is P.O. Box 1920, Coamo, PR 00769. Respondent Empacadora y Procesadora del Sur, Inc. formally conducted business as S.J. Meat Processing, Inc.

(b) S.J. Meat Processing, Inc. is a corporation organized and existing under the laws of the Commonwealth of Puerto Rico.

(c) Respondent Carlos C. Rodriguez Alonso is an individual whose business mailing address is P.O. Box 1920, Coamo, PR 00769.

(d) Respondent Empacadora y Procesadora del Sur, Inc., formally doing business as S.J. Meat Processing, Inc., under the direction, management, and control of respondent Carlos C. Rodriguez-Alonso at all times material herein was:

- (1) Engaged in the business of buying livestock in commerce for the purposes of slaughter and of manufacturing and preparing meats or meat food products for sale or shipment in commerce; and
- (2) A packer within the meaning of and subject to the provisions of the Act.

(e) Respondent Carlos C. Rodriguez Alonso at all times material herein was:

- (1) President of respondent Empacadora y Procesadora del Sur, Inc.;
- (2) Registered agent for respondent Empacadora y Procesadora del Sur, Inc.;
- (3) Owner of 100% of the stock issued by respondent Empacadora y Procesadora del Sur, Inc.; and
- (4) Responsible for the direction, management and control of respondent Empacadora y Procesadora del Sur, Inc.

II.

On April 21, 2011, the Eastern Regional Office, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States

Department of Agriculture, mailed respondents a Notice of Violation letter.

Respondents were served with the Notice of Violation letter on May 3, 2011. In the Notice of Violation letter, respondents were notified that they had failed to: (1) pay for livestock in a timely manner, in violation of 7 U.S.C. § 228b; and (2) use the actual hot carcass weight to pay for livestock that was purchased on a carcass weight or carcass grade and weight basis, in violation of 7 U.S.C. § 192 and 9 C.F.R. § 201.99(d). Respondents were further informed that continued violations of the Act and regulations may result in administrative action and civil penalties.

III.

On or about the dates and in the transactions set forth in Appendix A, respondents, notwithstanding the facts alleged in paragraph II, purchased livestock and failed to pay, when due, the full purchase price of the livestock.

IV.

On or about the dates and in the transactions set forth in Appendix B, respondents, notwithstanding the facts alleged in paragraph II, purchased livestock on a carcass weight basis and failed to use the actual hot carcass weight to pay for the livestock.

V.

By reason of the facts alleged in paragraphs II and III herein, respondents have willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 213(a) and 228b).

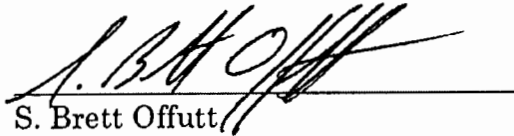
By reason of the facts alleged in paragraphs II and IV, respondents have willfully violated sections 202(a) and 202(b) of the Act (7 U.S.C. §§ 192(a), 192(b)) and section 201.99(d) of the regulations (9 C.F.R. § 201.99(d)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether respondents have in fact willfully violated the Act, this Complaint and Notice of Hearing shall be served upon respondents. Respondents 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 shall constitute an admission of all the material allegations of this Complaint and Notice of Hearing.

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 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 requires that respondents cease and desist from violating the Act with respect to matters alleged herein and assesses such civil penalties as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 4th day of February, 2013



S. Brett Offutt
Acting Deputy Administrator
Packers and Stockyards Program
Grain Inspection, Packers and Stockyards
Administration

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**Appendix A-Schedule of Failure to Pay When Due For Livestock
Empacadora y Procesadora del Sur, Inc., f/d/b/a S.J. Meat Processing, Inc., and Carlos C. Rodriguez-Alonso, Respondents**

Purchase Date	Seller's Name	Purchase Type	Number of Head	Livestock Amount	Net Invoice Adjustments	Net Invoice	Due Date	Check Date	Days Late Per Check Date	Date Cleared Bank	Check Date to Date Cleared
5/3/2011	Raul Cruz	Dressed	8	\$5,177.68	\$0.00	\$5,177.68	5/4/2011	6/10/2011	37	6/16/2011	6
5/4/2011	Jose Antonio Lopez	Live	35	\$16,341.22	-\$2,723.54	\$13,617.68	5/5/2011	5/16/2011	11	5/20/2011	4
5/5/2011	Enrique Garcia	Dressed	46	\$26,277.71	-\$175.00	\$26,102.71	5/9/2011	5/23/2011	14	5/31/2011	8
5/6/2011	Manuel Tosado	Dressed	34	\$16,275.58	-\$2,390.00	\$13,885.58	5/9/2011	5/27/2011	18	5/31/2011	4
5/11/2011	Jose Antonio Lopez	Live	22	\$13,170.30	\$0.00	\$13,170.30	5/12/2011	5/23/2011	11	5/25/2011	2
5/12/2011	Enrique Garcia	Dressed	31	\$17,802.69	-\$175.00	\$17,627.69	5/13/2011	6/2/2011	20	6/2/2011	0
5/18/2011	Enrique Garcia	Dressed	18	\$10,090.49	-\$175.00	\$9,915.49	5/19/2011	6/11/2011	28	6/10/2011	0
5/18/2011	Jose Antonio Lopez	Live	32	\$20,310.24	\$0.00	\$20,310.24	5/19/2011	6/2/2011	14	6/3/2011	1
5/26/2011	Enrique Garcia Delgado	Dressed	33	\$17,751.68	-\$175.00	\$17,576.68	5/27/2011	6/17/2011	21	6/17/2011	0
5/26/2011	Jose Antonio Lopez	Live	22	\$11,865.73	\$0.00	\$11,865.73	5/27/2011	6/10/2011	14	6/14/2011	4
5/26/2011	Jose Antonio Lopez	Live		\$14,871.84	\$0.00	\$14,871.84	5/27/2011	6/10/2011	14	6/13/2011	3
5/26/2011	Manuel Tosado	Dressed	21	\$13,657.12	-\$1,610.00	\$12,047.12	5/27/2011	7/1/2011	35	7/22/2011	21
6/7/2011	Javier Seda	Dressed	4	\$2,114.60	-\$240.00	\$1,874.60	6/8/2011	6/11/2011	3	6/13/2011	2
6/9/2011	Jose Antonio Lopez	Live	27	\$15,425.95	\$0.00	\$15,425.95	6/10/2011	6/28/2011	18	6/29/2011	1
6/15/2011	Jose Antonio Lopez	Live	25	\$13,023.36	\$0.00	\$13,023.36	6/16/2011	7/1/2011	15	7/5/2011	4
6/22/2011	Enrique Garcia Delgado	Dressed	31	\$19,209.22	-\$175.00	\$19,034.22	6/23/2011	7/8/2011	15	7/18/2011	10
6/22/2011	Jose Antonio Lopez	Live	18	\$10,563.39	\$0.00	\$10,563.39	6/23/2011	7/8/2011	15	7/11/2011	3
6/29/2011	Vaqueria Lopez	Live	7	\$4,542.00	\$0.00	\$4,542.00	6/30/2011	7/15/2011	15	7/18/2011	3
6/29/2011	Jose Antonio Lopez	Live	23	\$13,168.06	\$0.00	\$13,168.06	6/30/2011	7/15/2011	15	7/18/2011	3
7/6/2011	Jose Antonio Lopez	Live	23	\$12,072.45	\$0.00	\$12,072.45	7/7/2011	7/22/2011	15	7/26/2011	3
7/7/2011	Hilton Seda	Dressed	8	\$3,818.76	-\$480.00	\$3,338.76	7/8/2011	7/15/2011	7	7/20/2011	5
7/14/2011	Enrique Garcia Delgado	Dressed	49	\$30,746.45	-\$350.00	\$30,396.45	7/15/2011	7/27/2011	12	7/26/2011	0
7/14/2011	Hilton Seda	Dressed	5	\$2,701.40	\$0.00	\$2,701.40	7/15/2011	8/19/2011	35	8/24/2011	5
7/20/2011	Jose Antonio Lopez	Live	29	\$15,131.90	\$0.00	\$15,131.90	7/21/2011	7/29/2011	8	8/2/2011	4
7/21/2011	Enrique Garcia Delgado	Dressed	25	\$15,731.05	-\$175.00	\$15,556.05	7/22/2011	8/6/2011	15	8/5/2011	0
7/28/2011	Enrique Garcia Delgado	Dressed	21	\$12,721.80	-\$175.00	\$12,546.80	7/29/2011	8/13/2011	15	8/12/2011	0
7/28/2011	Hilton Seda	Dressed	6	\$3,476.20	\$0.00	\$3,476.20	7/29/2011	8/19/2011	21	8/24/2011	5
7/28/2011	Ivan Rouco	Dressed	8	\$5,538.00	-\$480.00	\$5,058.00	7/29/2011	8/5/2011	7	8/8/2011	3
8/3/2011	Jose Antonio Lopez	Live	26	\$15,654.63	-\$2,746.25	\$12,908.38	8/4/2011	8/12/2011	8	8/15/2011	3
8/4/2011	Enrique Garcia Delgado	Dressed	23	\$16,488.00	-\$350.00	\$16,138.00	8/5/2011	8/20/2011	15	8/15/2011	0
8/9/2011	Angel Ocasio	Live	33	\$19,167.00	\$0.00	\$19,167.00	8/10/2011	8/20/2011	10	8/25/2011	5
8/9/2011	Jose Antonio Lopez	Live	30	\$17,980.99	\$0.00	\$17,980.99	8/10/2011	8/20/2011	10	8/24/2011	4
8/10/2011	Jose Antonio Lopez	Live	25	\$16,704.58	\$0.00	\$16,704.58	8/11/2011	8/20/2011	9	8/24/2011	4
	TOTALS		748	\$448,567.06	-\$12,594.79	\$436,972.27					

Appendix A-Schedule of Weight Violations
Empacadora y Procesadora del Sur, Inc., t/d/b/a S.J. Meat Processing, Inc., and Carlos C. Rodriguez-Alonso, Respondents

Purchase Date	Supplier Name	Purchase Type	No. of Head	Description	Grain Weight (lb)	Protein Shrink (%)	Stork (lb)	See Weight (lb)	Process	Livestock Amt	Net Livestock Administrative	Net Livestock	Check No.	Check Amt.	
			44	Cows	19021	3%	589	19042.07	\$1.27	\$	24,184.43				
			2	Bulls	1489	3%	46	1444.38	\$1.45	\$	2,094.28				
5/8/2011	Enrique Garcia	Dressed	46							\$	26,277.71	-\$178.00	\$26,102.71	1068	\$26,102.71
			29	Cows	18,417	3%	403	18016.49	\$1.27	\$	16,528.40				
			2	Bulls	906	3%	27	878.82	\$1.45	\$	1,274.29				
5/12/2011	Enrique Garcia	Dressed	31							\$	17,802.69	-\$176.00	\$17,627.69	1146	\$17,627.69
6/18/2011	Enrique Garcia	Dressed	18	Cows	8,191	3%	246	7945.27	\$1.27	\$	10,090.48	-\$178.00	\$9,915.49	1100	\$9,915.49
5/26/2011	Enrique Garcia Delgado	Dressed	38	Cows	14,410	3%	482	13977.70	\$1.27	\$	17,751.68	-\$178.00	\$17,576.68	1206	\$17,576.68
			27	Cows	13,151	3%	395	12756.47	\$1.27	\$	18,200.72				
			4	Bulls	2,139	3%	64	2074.83	\$1.45	\$	3,008.60				
5/23/2011	Enrique Garcia Delgado	Dressed	31							\$	19,209.22	-\$175.00	\$19,034.22	1305	\$19,034.22
			27	Cows	10,425	3%	313	10121.05	\$1.25	\$	12,054.44				
			7	Bulls	2,668	3%	80	2587.96	\$1.40	\$	3,623.14				
5/6/2011	Manuel Toledo	Dressed	34							\$	16,275.58	-\$2,390.00	\$13,885.58	1102	\$13,885.58
			16	Cows	7,450	3%	224	7226.30	\$1.25	\$	9,033.13				
			5	Bulls	3,405	3%	102	3302.85	\$1.40	\$	4,623.99				
5/26/2011	Manuel Toledo	Dressed	21							\$	13,657.12	-\$1,610.00	\$12,047.12	1294	\$12,047.12
			6	Cows	2,105	2%	42	2062.90	\$1.27	\$	2,610.88				
			8	Bulls	1,800	2%	36	1764.00	\$1.45	\$	2,657.80				
5/3/2011	Raul Cruz	Dressed	8							\$	6,177.68	\$0.00	\$5,177.68	1149	\$5,177.68