

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

P & S Docket No. D-07-0042

In re: DANE FINE, d/b/a
DANE FINE MEAT PACKING Dane Fine d/b/a/ Dane Fine

Respondent

DEFAULT DECISION AND ORDER

Preliminary Statement

This is a disciplinary proceeding under the Packers and Stockyards Act (7 U.S.C. § 181 *et seq.*; hereinafter the "Act"), instituted by a Complaint filed on December 14, 2006 by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that the Respondent violated the Act. The Complaint alleged that Respondent failed to pay, when due, for 611 head of livestock involving twenty-five livestock transactions.

A copy of the Complaint was mailed to Respondent by certified mail at its business mailing address on December 15, 2006 and was received by the Respondent on December 19, 2006. The time for filing an Answer to the Complaint expired on January 8, 2007. Respondent has not answered the Complaint. The time for filing an Answer having expired, and upon motion of the Complainant, the following Findings of Fact, Conclusions of Law and Order shall be issued without further procedure pursuant to Section 1.139 of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary (7 C.F.R. § 1.131 *et seq.*; hereinafter the "Rules of Practice").

FINDINGS OF FACT

1. Dane Fine, doing business as Dane Fine Meat Packing, hereinafter referred to as "Respondent," is an individual doing business in the Commonwealth of Pennsylvania whose mailing address is 1080 Butler Road, Saxonburg, Pennsylvania 16056.

2. Respondent, at all times material herein, was:

(a) Engaged in the business buying livestock in commerce for the purpose of slaughter; and

(b) A packer within the meaning of and subject to the provisions of the Act.

3. Respondent, during the period May 26, 2005 through June 27, 2005, purchased 611 head of livestock and failed to pay, when due, \$105,885.46 associated with such livestock purchases.

CONCLUSIONS OF LAW

1. The Secretary has jurisdiction in this matter.

2. By reason of the foregoing Findings of Fact, Respondent has wilfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 192, 228b).

ORDER

1. Respondent Dane Fine, his agents and employees, directly or through any corporate or other device, in connection with operations subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

2. In accordance with section 203(b) of the Act (7 U.S.C. § 193), Respondent Dane Fine is assessed a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00).

3. This decision shall become final and effective without further proceedings 35 days after the date of service upon Respondent, unless it is appealed to the Judicial Officer by a party to the

proceeding within 30 days pursuant to section 1.145 of the Rules of Practice (7 C.F.R § 1.145).

Copies of this decision shall be served upon the parties.

Done at Washington, DC
June 12, 2007

PETER M. DAVENPORT
Administrative Law Judge

Hearing Clerk's Office
U.S. Department of Agriculture
1400 Independence Avenue SW
Room 1031, South Building
Washington, D.C. 20250-2900
202-720-4443
Fax: 202-720-9776