

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P. & S. Docket No. D-08-0190
	)	
North Star Beef, Inc.,	)	
and William Gilger,	)	
	)	
Respondents	)	Decision Without Hearing By Reason Of
	)	Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (hereinafter referred to as the "Act"), by a Complaint and Notice of Hearing filed on September 26, 2008 by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, alleging that Respondents willfully violated the Act and the regulations issued thereunder (9 C.F.R. § 201.1 et seq.) (hereinafter referred to as the "regulations"). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents specifically admit that the Secretary has jurisdiction in this matter, do not admit certain of the remaining allegations, waive oral hearing and further procedure in this proceeding, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

Complainant agrees to the entry of this decision for the purpose of settling this proceeding.

Findings of Fact

1. Respondent North Star Beef, Inc., (corporate Respondent) is a corporation organized and existing under the laws of the State of Delaware, located in Buffalo Lake, Minnesota. Its business mailing address is 53050 Highway 212, P.O. Box 308, Buffalo Lake, MN 55314.
2. Respondent William Gilger (individual Respondent) is an individual who at all times material to the Complaint was president of corporate Respondent.
3. Respondents at all times material herein were:
  - (a) Engaged in the business of buying livestock in commerce for the purposes of slaughter; and
  - (b) Packers within the meaning of and subject to the provisions of the Act.

Order

Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, in connection with all activities subject to the Act, shall cease and desist from: failing to pay and failing to pay, when due, for livestock purchases, issuing checks in payment for livestock purchases that are returned unpaid by the bank upon which they are drawn because Respondents do not have and maintain sufficient funds on deposit and available in the account upon which the checks are drawn to pay the checks when presented, and engaging in business subject to the Act while insolvent, i.e. while current liabilities exceed current assets.

Pursuant to Section 203 of the Act (7 U.S.C. § 193), Respondents are assessed a civil penalty in the amount of \$5,000.00, payable to the United States Treasury within 6 months (180

days) after service of this Order on Respondents. The payment shall be sent to the following address: USDA, GIPSA, P.O. Box 790335, St. Louis, MO 63179-0335.

The provisions of this Order shall become effective immediately upon service of this Order on the Respondents.

Copies of this decision shall be served upon the parties.

  
Christopher Young, Esq.  
Attorney For Complainant

10-16-09  
Date

  
Gregory Bulinski, Esq.  
Attorney For Respondents

10-16-2009  
Date

Issued this 22<sup>N</sup> day of October, 2009

   
Victor Palmer  
Administrative Law Judge