

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

2010 DEC 23 AM 11:18

In re:	)	P & S Docket No. D-09-0106
	)	
Gulf Packing Company, LP,	)	
and	)	
Charles L. Booth,	)	
	)	Decision Without Hearing
Respondents	)	by Reason of Consent

RECEIVED

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 and Amended Complaint and Notice of Hearing filed 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. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in paragraph I of the Complaint and Notice of Hearing and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, 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.

Findings of Fact

1. Gulf Packing Company, LP (hereinafter, "Respondent LP") is a limited partnership organized and existing under the laws of the State of Texas. Respondent's address is 618 Commerce, P.O. Box 357, San Benito, Texas 78586.

2. Respondent LP is, and at all times material herein was:

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

(b) Engaged in the business of slaughtering cattle and manufacturing or preparing meat or meat products for sale or shipment in commerce; and

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

3. Charles L. Booth (hereinafter "Individual Respondent") is an individual residing in Texas. To protect personally identifiable information, Individual Respondent's address has been provided to the Hearing Clerk under separate cover.

4. Individual Respondent at all times material herein was:

(a) Managing Partner of Respondent LP;

(b) President of Respondent LP;

(c) Owner of 60 percent of the stock of Respondent LP;

(d) Responsible for the day to day direction, management and control of Respondent LP; and

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

Conclusions

Respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondents Gulf Packing Company, LP, and Charles L. Booth, their 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:

1. Failing to pay the full purchase price of livestock; and
2. Failing to pay, when due, the full purchase price of livestock.

In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondents Gulf Packing Company, LP, and Charles L. Booth jointly and severally are assessed a civil penalty in the amount of Ten Thousand Dollars (\$10,000.00). The civil penalty will be paid in accordance with an Understanding Regarding Civil Penalty Payment Terms agreed to and ratified by the parties.

The provisions of this order shall become effective on the sixth day after service of this order on the Respondent.

Copies of this decision shall be served upon the parties.

[Redacted signature]

Charles L. Booth  
for Gulf Packing Company, LP

[Redacted signature]

Charles L. Booth

[Redacted signature]

Curtis Bonner  
Attorney for Respondent

[Redacted signature]

Charles L. Kendall  
Attorney for Complainant

Issued this 23<sup>rd</sup> day of December 2010

[Redacted signature]

Administrative Law Judge

OFFICE OF ADMINISTRATIVE LAW JUDGES  
Hearing Clerk's Office

Document Distribution Form

Docket #: PS-D-09-0106

Document(s): Decision without hearing by reason of consent

1. Date sent to:  Respondent(s)  Petitioner(s): Respondent's attorney: 12/27/2010

Regular Mail  Fax  Certified Mail  
 Registered Mail  FedEx  Personal Service

Other:

Address:

Curtis Bonner, Esquire  
Bonner & Bonner  
PO Box 288  
Harlingen, TX 78551-0288

2. Date sent to OGC: 12/27/2010

Date sent to Agency: 12/27/2010

Inter-Office Mail

Inter-Office Mail

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Messenger

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Other

Other

OGC - Served and Address:

Agency - Served and Address:

Charles Kendall  
Trade Practices Div., OGC  
2309-South Bldg.

Alan R. Christian  
GIPSA  
2055 South Bldg.

Signature: 