

U.S. DEPARTMENT OF AGRICULTURE
SECRETARY OF AGRICULTURE

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In re:)	FMIA Docket No.	06-0605
)	PPIA Docket No.	06-0003
Mr. Chehade Sabbouh,)		
Washington Lamb, Inc.,)		
)		
)	STIPULATION and	
)	CONSENT DECISION	
Respondents)		

This is a proceeding under the Federal Meat Inspection Act, as amended (21 U.S.C. §§ 601 et seq.) ("FMIA"), the Poultry Products Inspection Act, as amended (21 U.S.C. §§ 451 et seq.) ("PPIA"), and the applicable Rules of Practice (7 C.F.R. §§ 1.130 et seq. and 9 C.F.R. §§ 500.1 et seq.) to refuse to provide inspection services to Washington Lamb, Inc. and Mr. Chehade Sabbouh, hereinafter referred to jointly as Respondents. This proceeding was commenced by a complaint filed on June 7, 2006 by the Administrator of the Food Safety and Inspection Service (FSIS), United States Department of Agriculture (USDA), which is responsible for the administration of Federal inspection services for both meat and poultry. The parties have agreed that this proceeding should be terminated by entry of the Consent Decision set forth below and have agreed to the following stipulations:

1. For the purpose of this stipulation and the provisions of this Consent Decision only, Washington Lamb, Inc., hereinafter

Respondent business, and Mr. Chehade Sabbouh, hereinafter Respondent, admit all jurisdictional allegations of the complaint and waive:

(a) Any further procedural steps except as specified herein;

(b) Any requirement that the final decision in this proceeding contain any findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or basis thereof; and

(c) All rights to seek judicial review or to otherwise challenge or contest the validity of this decision.

2. This Stipulation and Consent Decision is for settlement purposes in this proceeding only and does not otherwise constitute an admission or denial by Respondents that they violated the regulations or statutes involved.

3. Respondents waive any action against the USDA under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by Respondents in connection with this proceeding.

Findings of Fact

1. Washington Lamb, Inc., Respondent, is a business that wishes to engage in the processing of meat, meat products, and

poultry and poultry products at its place of business located at 7963 Conell Court, Lorton, Virginia 22079.

2. On or about August 13, 2004, Respondents submitted an "Application for Federal Meat, Poultry, or Import Inspection" requesting federal inspection services under the FMIA and PPIA, at the place of business in Lorton, Virginia.

3. On March 28, 1997, in the United States District Court, District of Virginia, Washington Lamb, Inc. was convicted of three felony counts of sale of misbranded meat, in violation of 21 U.S.C. § 610(b), and sentenced to a term of probation.

4. On March 28, 1997, in the United States District Court, District of Virginia, Mr. Chehade Sabbouh was convicted of one felony count of sale of misbranded meat, in violation of 21 U.S.C. § 610(b) and sentenced to a term of probation.

Conclusion

Because the parties have agreed to the provisions set forth in the following Stipulation and Consent Decision in disposition of this proceeding, the following Order will be issued.

Order

Federal Meat Inspection Services under Title 1 of the FMIA, and Federal Poultry Inspection Services under the PPIA are denied to Respondent business, directly or through any partnership or other device, for a period of two (2) years and six (6) months beginning on the effective date of this Order. This denial of inspection shall be held in abeyance, and inspection services shall be provided to Respondent business, for so long as the conditions set forth below, in addition to all other requirements of applicable inspection statutes and regulations are met.

1. By the effective date of this Order the corporation structure and responsibilities of the signatories shall be as follows:

a. Mr. Chehade Sabbouh shall resign as President from the Board of Directors of Washington Lamb, Inc. Mr. Sabbouh may remain employed by Respondent corporation. In his employment capacity with Washington Lamb Inc., Mr. Sabbouh shall be under the supervision and direction of the President in accordance with paragraph 1.b., and the Corporate Ethics and Compliance Officer in accordance with paragraph 1.c., and Mr. Sabbouh shall have the express concurrence of the President on all major decisions regulated by the FMIA AND PPIA effecting the operation of Respondent's federal establishment.

b. Respondent corporation shall appoint or hire a new President. The new President will be a signatory to this Consent Decision and Order. The new President shall ensure oversight of all major decisions regulated by the FMIA and PPIA effecting the operation of respondent's federal establishment and ensure compliance with the Order.

c. Respondent corporation shall appoint or hire a Corporate Ethics and Compliance Officer with the concurrence of the Evaluation and Enforcement Division (hereafter "EED") Director, who will be a signatory to this Consent Decision and Order. The Corporate Ethics and Compliance Officer will be responsible, along with the Corporate President, for ensuring compliance with Order. Any changes to the Corporate Ethics and Compliance Officer shall be made with the concurrence of the EED Director.

d. Respondent corporation shall provide the EED Director with records that show the removal of Mr. Chehade Sabbouh from the position of President of Washington Lamb, Inc., and the appointment of the new President and Corporate Ethics and Compliance Officer.

2. Respondents, Respondent business or any of its officers, partners, employees, agents, affiliates, or assigns shall not:

A. violate any section of the FMIA, PPIA, or State or local statutes involving the preparation, sale, transportation or attempted distribution of any adulterated or misbranded meat or poultry products;

B. commit any felony or fraudulent criminal act;

C. make or cause to be made, any false entry into any accounts, records, or memorandums kept by the Respondents;

D. assault, intimidate, threaten or interfere, or threaten to assault, intimidate, or interfere with any program employee in the performance of his or her official duties under the FMIA or PPIA; and

E. conduct any operations requiring Federal inspection outside the official hours of operation without first submitting a written request to and obtaining prior written approval from FSIS.

3. Respondent business shall not knowingly hire or add any new individual who has been convicted, in any Federal or State court, of any felony, or more than one misdemeanor based upon the acquiring, handling, or distributing of unwholesome, mislabeled or deceptively packaged food, or based upon fraud in connection with transactions in food. Respondents shall immediately

terminate its connection with any such individual when that individual's conviction becomes known to Respondents.

4. Respondents shall develop, implement and maintain Sanitation Performance Standards (SPS), a Sanitation Standard Operating Procedure (SSOP), a Hazard Analysis and Critical Control Point (HACCP) system in accordance with 9 C.F.R. Parts 416 and 417, respectively.

5. Prior to the effective date of this Order, Respondent shall notify the FSIS District Manager and shall designate in writing, one full-time person and one alternate who shall be responsible for overall implementation, coordination, monitoring, recordkeeping, review and maintenance of the facility's food safety and sanitation programs and the requirements of this Order. The designee shall be present when the facility is in operation, and any change in the designees must be approved by FSIS.

6. Respondents shall maintain full, complete and accurate written records of all business activities applicable to the FMIA, PPIA, State and local laws. Such records shall include, but are not limited to, bid solicitations, government contracts, product specification worksheets, SSOP and HACCP records. Respondent shall make these records available for copying upon request of any authorized representative of the Secretary.

7. Within sixty (60) days of the effective date of this Order, Respondents shall effectively implement and have on file, an ethics code or policy statement of conduct and compliance and ethics in business practices (hereinafter "Ethics Code") applicable to all business entities and individuals within or employed by Respondent. The Ethics Code shall include:

a) statement of business policy addressing business ethics and public trust;

b) statement of Respondents' commitment to comply with all applicable laws and regulations in the conduct of its business;

c) guidelines for Respondents' employees to follow with respect to food safety and ethics issues; and

d) shall provide acceptable corrective and preventive assurances to preclude any acts of assault, intimidation, or interference of any program employee.

Such proposed Ethics Code shall be submitted to and reviewed by the EED Director. The Ethics Code shall be permanently displayed in a prominent location in Respondent's establishment. The Ethics Code shall be discussed with all current and future employees.

8. Within one hundred and fifty (150) days of the effective date of this Order, the President and Mr. Chehade Sabbouh shall participate in and successfully complete a training program encompassing ethical business practices which has received prior approval of the EED Director. Respondents shall maintain records documenting the completion of such training by Respondent's President and Mr. Chehade Sabbouh and shall have those records available upon request by an authorized representative of the Secretary.

9. Respondent business shall provide, each year, a report summarizing Respondent's compliance with this Order. Each report shall be provided to the EED Director within ten (10) days of the end of the annual time period, and signed by the Corporate Ethics and Compliance Officer.

10. Respondents shall fully and completely cooperate with any FSIS investigation, inquiry, review or examination of Respondent's establishment or Respondent's compliance with the PPIA, FMIA or this Order.

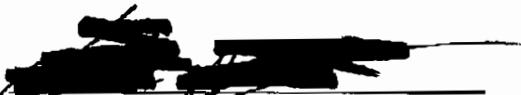
11. The Administrator, FSIS, shall have the right to summarily withdraw inspection services upon a determination by the Administrator, or his or her designee, that one or more conditions set forth in paragraphs 1 through 10 of this Order have been violated. It is acknowledged that Respondents retain

the right to request an expedited hearing pursuant to the Rules of Practice concerning any violation alleged as the basis for a summary withdrawal of inspection services.

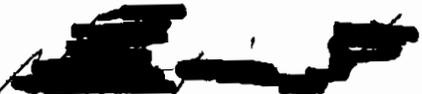
12. Nothing in this Order shall preclude the referral of any such violation to the Department of Justice for possible criminal or civil proceedings, or preclude the Administrator from taking appropriate administrative action under the applicable FMIA, PPIA, and the regulations promulgated thereunder.

13. If any provision of this Order is declared to be invalid, such declaration shall not affect the validity of any other provision herein.

This Consent Decision and Order shall be issued by the Administrative Law Judge and become effective on the date the Federal grant of inspection is issued to Washington Lamb, Inc. The Order shall expire two (2) years and six (6) months from the date the Federal grant of inspection is issued to Washington Lamb, Inc.


CHEHADE SABBOUH,
for himself


ELIAS B. FRANCIS, President
for WASHINGTON LAMB, INC.


NADER N. TAWIL
Corporate Ethics and
Compliance Officer
for WASHINGTON LAMB, INC.


NADER N. TAWIL
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SCOTT C. SAFIAN
Director
Evaluation and Enforcement Division Office of the General Counsel
Office of Program Evaluation,
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Food Safety and Inspection Service
United States Department of Agriculture


TRACEY MANOFF
Attorney for Complainant

Issued this 9th day of June, 2008
at Washington, D.C.


ADMINISTRATIVE LAW JUDGE

Jill S. Clifton