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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	P&S Docket No. D-06-0023
	)	
Pork King Packing, Inc., and Thomas Mileski,	)	
	)	
Respondents	)	Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.), hereinafter the "Act," by a Complaint and Notice of Hearing filed by the Deputy Administrator, Packers and Stockyards Program, United States Department of Agriculture alleging that the Respondents willfully violated the Act. This Decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted By the Secretary Under Various Statutes (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. Pork King Packing, Inc., hereinafter referred to as the "Corporate Respondent," is a corporation organized and existing under the laws of the State of Illinois. Corporate Respondent's mailing address is 8808 South Route 23, Marengo, Illinois 60152.

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

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

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

3. Thomas Mileski, hereinafter referred to as the "Individual Respondent," is, and at all times material herein, was:

(a) The president and twenty-five percent owner of Corporate Respondent;

(b) In charge of hog procurement and accounting for Pork King; and

(c) The alter ego of Corporate Respondent.

Conclusions

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

Order

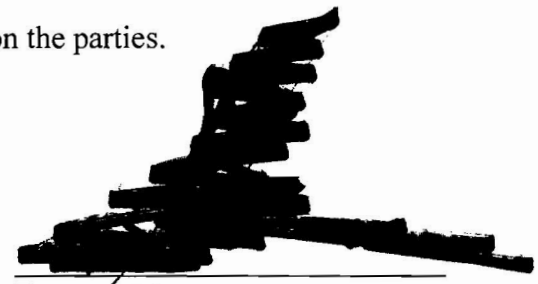
Respondents Pork King Packing, Inc., and Thomas Mileski, their agents and employees, directly or through any corporate or other device, in connection with their activities subject to the Packers and Stockyards Act, shall cease and desist from failing to pay, when due, the full purchase price of livestock.

In accordance with section 203(b) of the Act, (7 U.S.C. § 193(b)), Respondents are hereby assessed a civil penalty of ten thousand dollars ($10,000.00), for which Respondents Pork King Packing, Inc., and Thomas Mileski are jointly and severally liable. As agreed by the parties, the civil penalty shall be paid as follows: Four thousand dollars ($4,000.00) shall be paid within ten days of entry this Order. The remaining balance of six thousand dollars ($6,000.00)

shall be paid on or before June 1, 2007. Respondents' payments shall be made out to "USDA-GIPSA" and sent to USDA-GIPSA, P.O. Box 790335, St. Louis, Missouri 63179-0335.

The provisions of this Order shall become effective on the sixth (6th) day after service on Respondents.

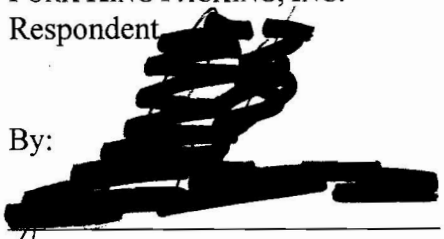
Copies of this Decision and Order shall be served on the parties.



THOMAS MILESKI
Respondent

PORK KING PACKING, INC.
Respondent

By:



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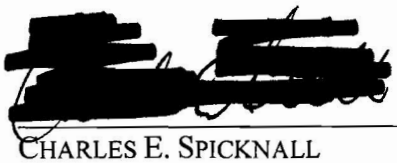

CHARLES E. SPICKNALL
Attorney for Complainant

Issued in Washington D.C.

this 20th day of February, 2007

ADMINISTRATIVE LAW JUDGE