

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 11-0028

In re: Apna Bazaar International, Inc.,
d/b/a Ali Meat Industries,

Respondent

Default Decision and Order

Preliminary Statement

This disciplinary proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act), by a Complaint and Notice of Hearing filed on October 21, 2010, by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture (Complainant), alleging that Respondent Apna Bazaar International Inc., d/b/a Ali Meat Industries (Respondent), willfully violated the Act.

A copy of the Complaint and Notice of Hearing was sent to Respondent by certified mail on October 22, 2010, and it was served on Respondent on October 25, 2010. Complainant's attorney also sent a letter to Respondent dated November 5, 2010, by certified mail, informing Respondent that Complainant would seek a cease and desist order and a civil penalty of at least \$10,000.00. The letter was served on Respondent on November 8, 2010.

Respondent failed to file an answer within the time period prescribed by the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.136) (Rules of Practice), and the material facts alleged in the Complaint and Notice of Hearing, are deemed admitted by Respondent's failure to file an answer

Complainant's motion will be granted, and the following findings of fact, conclusions of law and order will be entered.

Findings of Fact

1. Apna Bazaar International Inc., d/b/a Ali Meat Industries, is a Florida corporation with a business mailing address in Orlando, Florida.
2. At all times material to the Complaint and Notice of Hearing, Respondent was:
 - (a) Engaged in the business of 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 filed a bond in the amount of \$10,000.00 with the Packers and Stockyards Program to secure its purchases of livestock for slaughter.
4. Respondent, in connection with its operations subject to the Act, on or about the dates and in the transactions set forth in Appendix A and incorporated herein by reference, failed to pay, when due, the full purchase price for livestock purchased from Okeechobee Livestock Market Inc. of Okeechobee, Florida, a posted stockyard.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. By reason of the facts found in Finding of Fact 4, Respondent willfully violated sections 202(a) and 409 of the Act (7 U.S.C. §§ 192(a), 228b).

Order

1. Respondent Apna Bazaar International Inc., d/b/a Ali Meat Industries, its agents and employees, directly or through any corporate or other device, in connection with its activities

subject to the Act, shall cease and desist from failing to pay, when due, the full purchase price for livestock purchases.

2. In accordance with section 203(b) of the Act (7 U.S.C. § 193(b)), Respondent is assessed a civil penalty in the amount of Ten Thousand Dollars (\$10,000.00).

3. This Decision and Order shall become final and effective without further proceedings thirty-five (35) days after service on Respondent, unless appealed to the Judicial Officer by a party to the proceeding within thirty (30) days after service as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139, 1.145).

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

January 7, 2011

Peter M. Davenport
Chief Administrative Law Judge