



United States Department of Agriculture

Food Safety and  
Inspection Service

January 27, 2023

Office of Field  
Operations  
Denver District Office

**SENT VIA ELECTRONIC MAIL**

1 Denver Federal  
Center, Bldg. 45  
P.O. Box 25387  
Denver, CO 80225

Mr. Daniel Dykstra, Plant Manager  
KW Properties LLC, Est. M838  
705 Peyton Avenue  
Creighton, Nebraska 68729  
Creightonlocker2022@gmail.com

Voice (303) 236-9800  
Fax (303) 236-9794

**NOTICE OF SUSPENSION HELD IN ABEYANCE**

Dear Mr. Dykstra,

On Tuesday, January 24, 2023, the Food Safety Inspection Service (FSIS) issued your establishment, KW Properties LLC, M838, located in Creighton, Nebraska, a Notice of Suspension (NOS). The decision to issue the NOS was made in accordance with 21 U.S.C. 603(b) and Title 9 of the Code of Federal Regulations (CFR) Part 500.3(b) (Rules of Practice), based on your establishment's failure to comply with 9 CFR 313.16 regulations. A Noncompliance Record (NR), written by the FSIS Consumer Safety Inspector (CSI), documented an egregious event whereby a bovine was unsuccessfully stunned multiple times with ineffective corrective actions.

On January 25, 2023, the Denver District Office (DDO) received your official written response to the NOS via electronic mail. Requests for clarification were sent from the DDO and your clarifications were received on January 26 and 27, 2023. Based upon your proposed corrective actions, FSIS will hold the suspension of inspectors at your establishment in abeyance. Deputy District Manager (DDM) Dr. Jessica VanHook provided you verbal notification of the abeyance at approximately 8:45 AM Mountain Standard Time on January 27, 2023.

The suspension will remain in abeyance pending verification by FSIS inspection personnel. During this abeyance period, FSIS will continue to verify, assess, and evaluate the effectiveness of your proffered corrective actions to ensure that these are adequately implemented, and confirm that livestock are properly handled and slaughtered humanely.

FSIS will design a verification plan to confirm that your establishment is implementing the corrective actions you provided in your response to the NOS. The verification plan identifies your corrective action plan, the relevant regulations and the frequency FSIS inspection personnel will verify the implementation and effectiveness of your proffered actions.

FSIS will provide you a copy of the verification plan. Please be advised that only FSIS

can amend the verification plan. If your establishment wishes to modify your proposed corrective actions during the abeyance period, please submit these changes, in writing, to FSIS for approval prior to making any changes in your actions.

FSIS reminds you that as an operator of a federally inspected facility, you are expected to comply with the *Federal Meat Inspection Act* (FMIA), the *Humane Methods of Slaughter Act* (HMSA) and the regulations in 9 CFR 313 to ensure livestock at your establishment are handled and slaughtered humanely. The regulations require establishments to take appropriate action(s) when either the establishment or FSIS determines that the establishment's system controls for humane handling requirements are ineffective. FSIS has the responsibility to initiate action if your establishment fails to operate in accordance with FSIS regulations.

Please be aware that your failure to comply with the regulatory requirements or effectively implement the commitments you proffered in your responses may lead to further administrative enforcement actions.

If you have any questions regarding this matter, you may contact the Denver District Office at (303)236-9800.

Sincerely,

**JESSICA  
VANHOOK**

Digitally signed by  
JESSICA VANHOOK  
Date: 2023.01.27  
10:11:48 -0700

for

Dr. Robert Reeder  
District Manager  
USDA FSIS OFO  
Denver District Office  
[Robert.Reeder@usda.gov](mailto:Robert.Reeder@usda.gov)

cc: FO/QER  
Est. File  
D. James, DDM  
J. Monteverde, DDM  
J. VanHook, DDM  
(b) (6) FLS  
(b) (6) SCS  
(b) (6) CSI  
(b) (6) DCS  
(b) (6) DVMS  
(b) (6) DVMS  
S. Smith, RD/OIEA