

ADMINISTRATIVE ACTIONS (Continued)

**Table 12. Food Safety Adjudicatory Actions
(July 2009 – September 2009)**

Establishment	Administrative Complaint	Hearing	Consent Order	Decision and Order	Action Summary
<p>AMCO MEAT COMPANY, LLC 04401 M 04401 P SOMERDALE, NJ</p>	<p>05/19/09</p>				<p>On August 14, 2009, a USDA Administrative Law Judge issued an Order dismissing the complaint. The dismissal was based on the firm's voluntary withdrawal of inspection service. Previously, on May 19, 2009, FSIS filed a complaint to withdraw Federal inspection service based on the establishment's repetitive failure to maintain effective HACCP and SSOP systems in accordance with the requirements to implement food safety system controls to ensure production of wholesome, unadulterated meat products, and repetitive incidents of intimidation and harassment against agency personnel assigned to the establishment.</p>
<p>HINSDALE FARMS, LTD 02512 M - 02512 P BRISTOL, IN</p>	<p>09/09/09</p>				<p>On September 9, 2009, FSIS filed a complaint to withdraw inspection service based on the establishment's repetitive failures to implement effective HACCP and SSOP systems to ensure the prevention of positive <i>Listeria monocytogenes (Lm)</i> and the production and distribution of unadulterated meat and poultry products.</p>

**Table 13. Withdrawal for Unfitness Actions
(July 2009 – September 2009)**

Establishment	Complaint to Deny/Withdraw Inspection	Consent Order	Decision and Order	Action Summary
E & L MEATS ERNEST H. WARD, JR., OWNER 34085 M RICHFIELD SPRINGS, NY.	07/15/09			On September 3, 2009, FSIS filed a Motion for Adoption of a Proposed Default Decision and Order (Order), to indefinitely withdraw Federal inspection services from the firm. This action was based upon the firm's failure to respond to a complaint filed by FSIS. On July 15, 2009, FSIS filed a complaint to withdraw federal inspection services based on the multiple food related misdemeanor convictions on petit larceny of Mr. Ernest H. Ward, Jr., for failing to pay for livestock.
FOOD 4 FITNESS, INC. MATTHEW STEVEN DAVIS, PRESIDENT CHARLOTTE, NC	05/19/09			On September 28, 2009, a USDA Administrative Law Judge issued an Order dismissing the complaint. The dismissal was based on the applicant's withdrawal of the application for inspection service. Previously, on May 19, 2009, FSIS filed a complaint to deny Federal inspection services based on the multiple felony convictions of its President, Matthew Steven Davis, for charges related to the possession and manufacturing of methamphetamine. Mr. Davis also was convicted on felony charges for conspiracy to pass and manufacture counterfeit obligations of the United States.
G & G ENTERPRISES RONALD GAPP, MANAGING OFFICIAL 09041 M 09041 P STURGIS, SD	09/02/09	09/02/09		On September 2, 2009, the firm and Mr. Ronald Gapp, managing official, entered into a Consent Decision and Order (Order) with FSIS based on the unfitness and conviction of Mr. Gapp on one felony count for sale of unregistered securities. The Order contains measures such as the preparation of a corporate code, ethics training, recordkeeping, and others to ensure compliance with FSIS statutory and regulatory requirements. FSIS filed the complaint to withdraw inspection services on September 2, 2009.
JERKY JOES'S, LLC JOE BANKS, MANAGING OFFICIAL 02520AL M HANCEVILLE, ALABAMA	09/22/09			On September 22, 2009, FSIS filed a complaint to deny inspection services to the firm. This action was based on multiple State misdemeanor convictions related to the sale or transportation of uninspected meat by Mr. Joe Banks, a responsibly connected official.

**Table 14. Exempt Actions
(July 2009 – September 2009)**

Establishment¹	Complaint Served	Consent Agreement	Decision and Order	Action Summary
NONE				

¹ There were no new actions initiated this reporting period.

CRIMINAL ACTIONS

**Table 15. Criminal Actions
(July 2009 – September 2009)**

Establishment	Indictment	Information	Plea	Sentencing	Action Summary
AMERICAN DISPATCH, INC. PITTSBURGH, PA	10/09/07				On October 9, 2007, the United States District Court for the Western District of Pennsylvania indicted American Dispatch, Inc., on 1 felony count for transporting, selling and offering for sale approximately 2,814 pounds of meat and meat food products into commerce, that were contaminated by a putrid substance, and were unwholesome, unfit for human food, and adulterated, as defined in Title 21, United States Code Section 601(m) (3).
BROWN PACKING COMPANY 00167 M SOUTH HOLLAND, IL			08/10/09		On August 10, 2009, Brown Packing Company entered a guilty plea on one felony conspiracy count to commit mail and wire fraud related to the illegal use of growth hormones in veal calves. As part of the plea, the corporation will pay \$2 million dollars in asset and forfeiture and enter into an administrative Consent Decision and Order with FSIS.
JOHN A. OEDZES, PRESIDENT BROWN PACKING COMPANY 00167 M SOUTH HOLLAND, IL					On August 10, 2009, John A. Oedzes, firm president, plead guilty to one misdemeanor count for preparing, selling and transporting adulterated meat food products in violation of the FMIA. As part of the plea, Mr. John Oedzes will pay a \$100,000 fine.
BRIAN G. OEDZES, OFFICIAL BROWN PACKING COMPANY 00167 M SOUTH HOLLAND, IL			08/10/09		On August 10, 2009, Brian G. Oedzes, firm official, plead guilty to one misdemeanor count for preparing, selling and transporting adulterated meat food products in violation of the FMIA. As part of the plea, Mr. Brian G. Oedzes will pay a \$100,000 fine.
BRIAN S. OEDZES, OFFICIAL BROWN PACKING COMPANY 00167 M SOUTH HOLLAND, IL			08/10/09		On August 10, 2009, Brian S. Oedzes, firm official, plead guilty to one misdemeanor count for preparing, selling and transporting adulterated meat food products in violation of the FMIA. As part of the plea, Mr. Brian S. Oedzes will pay a \$100,000 fine.

Establishment	Indictment	Information	Plea	Sentencing	Action Summary
<p>ENGELHART GOURMET FOODS 06024 P FAIRFIELD, CA</p>			08/20/09	08/20/09	<p>On August 20, 2009, in the United States District Court for the Eastern District of California, Engelhart Gourmet Foods plead guilty and was immediately sentenced on two misdemeanor counts of selling and transporting adulterated and misbranded poultry products in violation of the PPIA. The firm was placed on a 1-year unsupervised probation, and ordered to pay a \$50,000 monetary fine. Further, the firm will enter into a Consent Decision and Order with USDA.</p>
<p>INTERMEX PRODUCTS USA, LTD JUAN CARLOS LORENZO, PRESIDENT 13172 M 13172 P GRAND PRAIRIE, TX</p>		03/26/09	08/06/09	09/29/09	<p>On September 29, 2009, in the United States District Court, Northern District of Texas, Intermex Products USA, LTD, was sentenced on a misdemeanor count for violation of the FMIA, specifically 21 U.S.C. § 610 (c), for selling, or offering to sell or transport in interstate commerce food products which were misbranded. The firm was fined \$10,000, and \$128 special assessment fee. On August 6, 2009, Mr. Juan Carlos Lorenzo, President, signed the plea agreement and pled guilty to one misdemeanor on behalf of the firm. On March 26, 2009, the firm was issued an information.</p>
<p>JOE CHRISTIANA FOOD DISTRIBUTORS INC. 02362 M 02362 P BATON ROUGE, LA</p>			08/27/09	09/03/09	<p>On September 3, 2009 in the Middle District of Louisiana Federal Court, Joe Christiana Food Distributors Inc, was sentenced on three federal misdemeanor charges involving meat food products that were stored under unsanitary conditions and were misbranded. The firm was fined \$20,000 and restitution of \$11,529. On August 27, 2009, the company's president signed a plea agreement and pled guilty to three misdemeanors on behalf of the firm</p>
<p>VALLEYBROOK WOODBURY, NJ</p>			09/25/09	09/25/09	<p>On September 25, 2009, in the United States District Court for the District of New Jersey, Newark, New Jersey, Valleybrook entered into a plea agreement and were sentenced for violating Section 10 of the FMIA. Valleybrook is ordered to pay a \$1,000 fine and enter into a 6-month unsupervised probationary period.</p>
<p>JOSEPH WYSZYNSKI, PRESIDENT VALLEYBROOK WOODBURY, NJ</p>			09/25/09	09/25/09	<p>On September 25, 2009, in the United States District Court for the District of New Jersey, Newark, New Jersey, Valleybrook's president, Joseph Wyszynski, entered into a plea agreement and was sentenced for violating Section 10 of the FMIA. Mr. Wyszynski is ordered to pay a \$1,000.00 fine and enter into a 6-month unsupervised probationary period.</p>

**Table 16. Pre-Trial Diversion Actions
(July 2009 – September 2009)**

Business Type ¹	Location	Date	Action Summary
NONE			

¹ There were no new actions initiated this reporting period.

CIVIL ACTIONS

**Table 17. Seizure Actions
(July 2009 – September 2009)**

Establishment ¹	Complaint	Seizure	Action Summary
NONE			

¹ There were no new actions initiated this reporting period.

**Table 18. Civil Injunction Actions
(July 2009 – September 2009)**

Establishment	Complaint	Injunction / Consent Decree	Action Summary
GLOVER'S HOUSE OF SWEETS JERSEY CITY, NJ		07/29/09	On July 29, 2009, in the U.S. District Court of the District of New Jersey, Glover's House of Sweets was permanently enjoined from selling, transporting, offering for sale or transport, or receiving for transportation in commerce any meat or poultry and meat or poultry food products in violation of the provisions of the FMIA and PPIA.
ISLAND FARM MEAT CORP. , d/b/a AL NOOR HALAL MEAT & FISH MARKET MOHAMMED ALDEEN, PRESIDENT BROOKLYN, NY		07/01/09	On July 1, 2009, in the United States District Court of the Eastern District of New York, Mohammed Aldeen, and Island Farm Meat Corporation d/b/a Al Noor Halal Meat & Fish Market, a custom slaughterer and processor, was permanently enjoined from violating the PPIA involving Exempt Status Violations. Specifically, the defendant is permanently enjoined from preparing, selling, transporting, or offering for sale or transportation, or

Establishment	Complaint	Injunction / Consent Decree	Action Summary
			receiving for transportation in commerce, poultry products in a manner that violates the regulatory conditional obligations of an exemption.
MOUNTAIN PROCESSORS, INC. HARRISON, AR		08/20/09	On August 20, 2009, in the U.S. District Court for the Western District of Arkansas, Mountain Processors, Inc., a Custom Slaughter facility, was enjoined and restrained from violating the FMIA, and agreed to ensure that all articles prepared on a custom-exempt basis are plainly marked, "Not for Sale", to maintain thorough records on products covered under their custom operations, and to refrain from selling meat and poultry products in commerce that have not been federally inspected.
SHIN PROVISIONS KI SOK NA, OWNER CHICAGO, IL	6/30/08	7/10/09	On July 10, 2009, in the U.S. District Court for the Northern District of Illinois, Shin Provisions and Ki Sok Na, firm owner, were enjoined from violating the FMIA, and agreed to not represent any article as inspected that has not been inspected and to refrain from selling or transporting meat and poultry products in commerce that have not been federally inspected. On June 30, 2008, a complaint was filed in the U.S. District Court for the Northern District of Illinois, to permanently enjoin the firm and Mr. Ki Sok Na.

**Table 19. ACE Actions
(July 2009 – September 2009)**

Establishment ¹	Complaint	Order / Disposition	Action Summary
NONE			

¹ There were no new actions initiated this reporting period.