

ADMINISTRATIVE ACTIONS (Continued)

**Table 12. Food Safety Adjudicatory Actions
(4/01/08 to 6/30/08)**

Establishment	Administrative Complaint	Hearing	Consent Order	Decision and Order	Action Summary
BERRY PACKING, INC. 02325 M 02325 P CROSSETT, AR	04/23/08			05/06/08	On May 6, 2008, Berry Packing, Inc. and Mr. James B. Davis, president, entered into a Consent Decision and Order (Order) with FSIS. The Order will become effective once FSIS issues a conditional grant of inspection. The Order contains strict measures, including development and implementation of a <i>Listeria monocytogenes</i> sampling and testing program, food safety plans, employee and management training, and other provisions to ensure compliance with FSIS statutory and regulatory requirements. Previously, on April 23, 2008, FSIS filed an administrative complaint to deny Federal inspection services to Berry Packing, Inc. based on the firm's history of noncompliance with FSIS statutory and regulatory requirements.

**Table 13. Withdrawal for Unfitness Actions
(4/01/08 to 6/30/08)**

Establishment	Complaint to Deny/Withdraw Inspection	Consent Order	Decision and Order	Action Summary
ATLANTIS FOODS, dba CULINARY DESIGN TIMOTHY P. DELONG, PRES. 22044 M 22024 P LANTANA, FL	04/29/08		05/06/08	On May 6, 2008, the firm and Mr. Timothy P. DeLong, president, entered into a Consent Decision and Order with FSIS. The Order requires the appointment of a HACCP manager and corporate ethics officer, the development and implementation of a Lm sampling and testing program, and other measures to ensure compliance with FSIS statutory and regulatory requirements. On April 29, 2008, FSIS filed a complaint to withdraw inspection services simultaneously with the Order based on a two-count felony criminal conviction of Mr. DeLong for intent to sell adulterated foods and introduce misbranded food into interstate commerce.

**Table 14. Exempt Actions
(4/01/08 to 6/30/08)**

Establishment	Complaint	Consent Agreement	Decision and Order	Action Summary
CARROLL L. SCHISLER, SR. AND CARROLL L. SCHISLER, JR. NEW WINDSOR, MD	04/21/06		04/16/08	On April 16, 2008, FSIS issued an Order Dismissing an Administrative Complaint Without Prejudice in the administrative enforcement action against Carroll L. Schisler, Sr., and Carroll L. Schisler, Jr. (Schislors). Previously, on September 17, 2007, in the United States District Court for the District of Maryland, a Permanent Injunction was issued by the court. On April 21, 2006, FSIS issued a complaint terminating the Schisler's eligibility to operate under custom exemption.
MARTIN'S MEAT PROCESSING SANDUSKY, MI	06/24/08			On June 24, 2008, a Notice of Ineligibility to conduct any custom exempt operations was issued to the firm. The NOI was issued due to repetitive failure to operate in a sanitary manner, resulting in the direct adulteration of custom exempt product, mislabeling of exempt product, and other deficiencies.

[FSIS Adjudications](#)

CRIMINAL ACTIONS

**Table 15. Criminal Actions
(4/01/08 to 6/30/08)**

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).
FOUAD ISLAMBOULI JERSEY CITY, NJ		3/12/08	3/12/08		On March 12, 2008, in the United States District Court, Northern District of New Jersey, Mr. Fouad Islambouli, a meat and poultry distributor, was named in an information for violations of Title 18 and Title 21. On March 12, 2008, Mr. Islambouli pled guilty to 1 count information, holding for sale adulterated meat in violation of 21 U.S.C. Section 610 (d), 678 (a) and 18 U.S.C Section 2.

**Table 16. Pre-Trial Diversion Actions
(4/01/08 to 6/30/08)**

Business Type	Location	Date	Action Summary

Note: There were no new actions initiated this reporting period.

CIVIL ACTIONS

**Table 17. Seizure Actions
(4/1/08 to 6/30/08)**

Establishment	Complaint	Seizure	Action Summary

Note: There were no new actions initiated this reporting period.

**Table 18. Civil Injunction Actions
(4/1/08 to 6/30/08)**

Establishment	Complaint	Injunction / Consent Decree	Action Summary
HEHNKE'S INC. MARK K. HEHNKE, OWNER PAXTON, NE	5/1/08	5/20/08	On May 20, 2008, in the U.S. District Court for the District of Nebraska, Mr. Mark K. Hehnke, owner, Hehnke's Inc., entered into a Consent Decree that permanently enjoins the owner from violating the Federal Meat Inspection Act (FMIA) and Poultry Products Inspection Act (PPIA). Specifically, the defendant was permanently enjoined from selling, transporting, offering for sale, or receiving for transportation, in commerce, any un-inspected meat, and meat food products. Any future violations of FSIS requirements or of the injunction order will subject Mr. Hehnke to monetary fines and other sanctions. On May 1, 2008, in the U.S. District Court for the District of Nebraska, a complaint was filed to permanently enjoin Mr. Hehnke and Hehnke's Inc. from violating the FMIA and PPIA.

Establishment	Complaint	Injunction / Consent Decree	Action Summary
KUNG'S MARKET, dba GREAT VALLEY PRODUCE DAVID KUNG, OWNER MALVERN, PA		4/23/08	On April 23, 2008, in the U.S. District Court for the Eastern District of Pennsylvania, Mr. David Kung, owner, Kung's Market, dba Great Valley Produce, entered into a Consent Decree that permanently enjoins the owner from violating the Federal Meat Inspection Act and Poultry Products Inspection Act. Specifically, the defendant is permanently enjoined from selling, transporting, offering for sale, or receiving for transportation, in commerce, any un-inspected and misbranded meat, and/or poultry food products. The defendant agreed to pay \$300 per pound on the first occurrence of future violations of this agreement, \$600 per pound on any further violations of this agreement, and all court and investigations costs incurred by USDA of any subsequent violations of this agreement.
NI HOOWA SUPERMARKET INC. SAI DI NI, PRESIDENT AMHERST, NY	1/17/08	4/30/08	On April 30, 2008, in the U.S. District Court for the Western District of New York, Mr. Sai Di Ni, president, Ni Hoowa Supermarket, Inc., entered into a Consent Decree that permanently enjoins the owner from violating the Federal Meat Inspection Act and Poultry Products Inspection Act. Specifically, the defendant was permanently enjoined from selling, transporting, offering for sale, or receiving for transportation, in commerce, any un-inspected and misbranded meat, and/or poultry food products. Any future violations of FSIS requirements or of the injunction order will subject Mr. Ni to monetary fines and other sanctions.

**Table 19. ACE Actions
(4/01/08 to 6/30/08)**

Establishment	Complaint	Order / Disposition	Action Summary

Note: There were no new actions initiated this reporting period.