



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Washington, D.C.
20250

By Electronic Mail and Certified Mail

MAR 25 2013

Mr. Ricardo De Los Santos, General Manager
Valley Meat Company, LLC
3845 Cedarvale Road
Roswell, New Mexico 88203

NOTICE OF SHOW CAUSE

Dear Mr. De Los Santos:

We have received the Valley Meat Company, LLC, "Application for Federal Inspection" dated March 15, 2013, which indicates your position of General Manager and convictions for "Criminal Trespass 1988 Amarillo Municipal Court" and "Res. Burglary 1978 Dalhart Municipal Court." Your convictions and responsibly connected position with the applicant business may affect Valley Meat Company's eligibility to operate as a federally inspected establishment.

This letter cites the relevant statutes, outlines actions that FSIS is considering, and provides information on how you may share your views before a determination is made.

Relevant Statutes

Section 401 of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) authorizes the Secretary of Agriculture to take administrative action to refuse to provide or withdraw inspection if an applicant, or responsibly connected individual to an applicant for Federal inspection, is convicted in any Federal or State court of any felony, or more than one violation of the law, other than a felony, upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food. Section 401 provides that:

The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under title I of this Act with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under title I because the applicant or recipient, or anyone responsibly connected with applicant or recipient, has been convicted, in any Federal or State court, of (1) any felony, or (2) more than one violation of any law, other than a felony, based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food.

A copy of the Act is enclosed for your information and review.

Actions Under Consideration and How to Present Your Views

We are providing you an opportunity to present your views and show cause why FSIS should not seek to refuse to provide federal inspection service based on the identified convictions. Before we make any decision regarding this matter, we want to give you an opportunity to present your views. We also want to provide you the opportunity to clarify information in your application for inspection. Please provide and address, at a minimum, the following:

- The name, including title, and ownership interest of all responsibly connected individuals, as required by block 24 of the application form; in this regard, we note that the application you submitted did not include complete information
- For the criminal convictions you identified on the application, the specific nature of the convictions, including whether misdemeanor or felony, the specific date of each conviction, and the specific courts in which convicted
- For the criminal convictions you identified on the application, a certified copy of the judgment and commitment order for the convictions
- Verify that there are no other responsibly connected individuals, as defined by the FMIA, and that there are no other criminal convictions for any responsible officials; or, if necessary, provide and update this information
- Any other relevant documents or information you wish to provide regarding your fitness for federal inspection service

You may present this information in writing or orally. Written views must be submitted within ten days after you receive this letter. Please submit your response by fax, e-mail, or private courier to the attention of:

Director
 Evaluation and Enforcement Division
 Office of Program Evaluation, Enforcement and Review
 Food Safety and Inspection Service
 United States Department of Agriculture
 Patriots Plaza III, 8th Floor, Cubicle 93
 355 E Street, SW
 Washington, DC 20024-3221
 Fax Number: (202) 245-5097
 E-mail: AEBCorrespondence@fsis.usda.gov

To give an oral response you must call our office within five days of receipt of this letter, at (202) 418-8872, to schedule an appointment to present your views. Any response that you provide will be taken into consideration before a final decision on the disposition of this matter.

If you have any questions regarding this matter, please feel free to contact Ms. Valerie Neris, Program Manager, at (202) 418-8872 or Mr. Alan Shaddock, Compliance Specialist, at (402) 437-5758.

Sincerely,

(for) Valerie Neris
Scott C. Safian

Scott C. Safian, Director
 Evaluation and Enforcement Division
 Office of Program Evaluation, Enforcement and Review

Enclosure

cc:
 Mr. Jose Hernandez
 Valley Meat Company, LLC
 3845 Cedarvale Road
 Roswell, New Mexico 88203