



STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE
Office of the Commissioner



Bryan P. Hurlburt
Commissioner

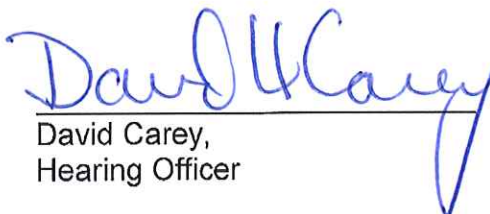
860-713-2500

IN THE MATTER OF:

**CEASE AND DESIST ORDER Issued to SABA LIVE POULTRY INC. on July 18,
2019**

FINAL DECISION

The parties have agreed to resolve the appeal of the above-captioned order through the adoption of the attached Consent Order 19-1, which supersedes and releases said order. Upon review, I adopt this Consent Order 19-1 as my final decision in this matter.

 July 26, 2019
David Carey,
Hearing Officer



STATE OF CONNECTICUT
DEPARTMENT OF AGRICULTURE
Office of the Commissioner



Bryan P. Hurlburt
Commissioner

860-713-2500

State of Connecticut Department of Agriculture
Consent Order 19-1
Issued to SABA LIVE POULTRY INC.
July 25, 2019

WHEREAS, the Commissioner of Agriculture, Bryan P. Hurlburt ("Commissioner") is charged with the administration of Chapter 434 of the General Statutes of Connecticut and C.G.S. Section 53-247 and C.G.S. Section 53-249;

WHEREAS, SABA LIVE POULTRY INC., 52 Granby Street, Bloomfield, CT ("Saba") operates in Connecticut as a live poultry and livestock dealer, and a custom slaughterhouse for livestock, rabbits and poultry;

WHEREAS, the Commissioner, through the Bureau of Regulatory Services ("Bureau") of the Department of Agriculture ("Department") conducted an investigation of Saba pursuant to Connecticut General Statutes ("C.G.S.") Chapter 434, Chapter 437 and C.G.S. Section 53-247 and C.G.S. Section 53-249 and to determine if it had violated, was violating or was about to violate any of those provisions ("Investigation");

WHEREAS, as a result of the Investigation, the Division obtained evidence that on July 16 and 17, 2019 Saba engaged in the following activities or permitted the following conditions at 52 Granby Street, Bloomfield, CT:

A. Confined livestock and rabbits were not given proper care in that the animals were not caged or restrained to prevent the animals from doing injury to themselves or to another animal, or failed to supply any such animals with wholesome air, food and water; and

B. Live poultry were not kept a sanitary condition and the containers for the poultry were not constructed so as to provide sufficient ventilation, and such poultry, while in such containers, did not receive such reasonable care as was required to prevent unnecessary suffering.

WHEREAS, on July 18, 2019, the Commissioner issued a cease and desist order to Saba for violations of C.G.S. Section 53-247(a) and C.G.S. Section 53-249 (the "Order").

WHEREAS, the Commissioner has reason to believe that the conduct set forth above and in the Order violates C.G.S. §53-247(a) and §53-249, and would support administrative proceedings against Saba under C.G.S. Section 22-4c and C.G.S. Section 22-4d;

WHEREAS, C.G.S. Section 22-4d provides, in relevant part, that "[t]he commissioner... may, without prior hearing, issue a cease and desist order in writing to such person to discontinue, abate or alleviate such condition or activity";

WHEREAS, legal proceedings initiated under C.G.S. Sections 22-4c and 4d related to enforcement of the Order would constitute a "contested case" within the meaning of C.G.S. Section 4-166(4);

WHEREAS, C.G.S. Section 4-177(c) provides that a contested case may be resolved by consent order, unless precluded by law;

WHEREAS, without holding a hearing pursuant to C.G.S. Section 22-4d and without trial or adjudication of any issue of fact or law, the Commissioner and Saba have reached an agreement, the terms of which are reflected in this Consent Order, in full and final resolution of the matters described herein;

WHEREAS, Saba expressly consents to the Commissioner's jurisdiction under the Act and to the terms of this Consent Order;

WHEREAS, the Commissioner finds that the entry of this Consent Order is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of the Act;

II. CONSENT TO WAIVER OF PROCEDURAL RIGHTS

WHEREAS, Saba, through his execution of this Consent Order, voluntarily waives the following rights:

1. To be afforded notice and an opportunity for a hearing related to the issuance of the Order within the meaning of C.G.S. Section 22-4d and C.G.S. Section 4-177(a);
2. To present evidence and argument and to otherwise avail itself of C.G.S. Section 22-4d and C.G.S. Section 4-177(c);
3. To present its position in a hearing in which it is represented by counsel;
4. To have a written record of the hearing made and a written decision issued by a hearing officer; and
5. To seek judicial review of, or otherwise challenge or contest, the matters described herein, including the validity of this Consent Order.

III. ACKNOWLEDGEMENT OF THE COMMISSIONER'S ALLEGATIONS

WHEREAS, Saba, through its execution of this Consent Order, acknowledges the Commissioner's allegations that Saba violated C.G.S. Section 53-247 and C.G.S. Section 53-249, as more fully described herein;

WHEREAS, the Commissioner would have the authority to enter findings of fact and conclusions of law after granting Saba an opportunity for a hearing;

AND WHEREAS, Saba acknowledges the possible consequences of an administrative hearing and voluntarily agrees to consent to the entry of the sanctions described below.

IV. CONSENT TO ENTRY OF SANCTIONS

WHEREAS, Saba, through its execution of this Consent Order, consents to the Commissioner's entry of an order imposing on it the following sanctions:

1. Saba, either directly or through any person, organization, entity or other device, shall cease and desist from directly or indirectly violating any provision of C.G.S. Chapter 434, Chapter 437, and C.G.S. Section 53-247 and C.G.S. Section 53-249 and any regulation, rule or order adopted or issued under these statutes;
2. From the date this Consent Order is entered by the Commissioner and continuing for so long as Saba operates as a operates in Connecticut as a live poultry and livestock dealer, and a custom slaughterhouse for livestock, rabbits and poultry, Saba shall comply with the following obligations and requirements:
 - a. Submit building plans for the renovation of the facility located at 52 Granby Street, Bloomfield, CT to the Department for review, which plans must show all dimensions and HVAC and plumbing work as may be required by this Consent Order or other local, state and federal law.
 - b. Facility cannot open until receipt of approvals from all applicable local, state, and federal authorities for activities to be conducted at the facility, including post-construction verification of building conditions shown on the town-approved building plans.
 - c. Maintain clean and disinfected facility. Cages and livestock pens must be kept clean and in sanitary condition. For example the following conditions are not acceptable:
 - I. Ceilings had feathers, fat and filth hanging over processing tables; incapable of being maintained in a sanitary manner.
 - II. Walls, fans, windows, screens and vinyl doors were filthy and not effectively protecting against the entrance of vermin or insects.
 - III. No hot water for proper cleaning.
 - IV. Utensils were not clean or sanitized or properly stored.

- V. The band saw had an accumulation of fat/bone under the cover, which had not been cleaned since the previous day's livestock butchering.
 - VI. No proof of suitable sanitizing test kit or approved cleaning solutions.
 - VII. Unclean product contact surfaces.
 - VIII. Rusty non-cleanable surfaces incapable of being maintained in a sanitary manner.
 - IX. No proper hand washing facilities, no hot water, hand towels or soap.
 - X. Remains and feathers not removed from previous days slaughter activities.
- d. A sanitary bathroom with convenient hand washing facility, with hot and cold running water.
 - e. Improve and maintain mechanical ventilation, by providing intake and exhaust fans to ventilate all areas where animals are housed.
 - f. Maintain reasonable species-appropriate temperature and humidity levels year round.
 - g. Separate the livestock into appropriate groups of animals, such as by age/species.
 - h. Maximum number of livestock in any pen shall not exceed a number that would prevent each animal from having sufficient space to stand up, move freely, and have free access to food and water.
 - i. Maximum number of birds in each cage shall not exceed a number that would prevent each bird from having sufficient space to stand up, move freely, and have free access to food and water.
 - j. Cages housing poultry shall not be stacked to exceed 5 cages in height, subject to lower limits depending on facility temperature and air quality conditions and sanitary requirements for the poultry.
 - k. Maximum number of rabbits in each cage shall not exceed a number that would prevent each rabbit to stand on its hind limbs and turn around, and have free access to food and water.
 - l. Install secondary inner door or gate in any livestock pen with a slide bolt.
 - m. Do not handle livestock which cannot be properly restrained.
 - n. Recordkeeping: Maintain contemporaneous log of all animals entering facility including: date of delivery, origin, species, animal identification or lot number, and quantity.
 - o. Complete sell down (not transferred to another location) quarterly of all animals and complete cleaning and disinfection of entire facility, and maintain log of cleaning and disinfection dates.
 - p. Notification to the Department at least 1 business day prior to sell down and cleaning of facility.
 - q. All animals entering the facility must be slaughtered (not transferred to another location) within seven (7) days of entry.
 - r. Promptly notify the Department of any event or condition, such as a power outage or storm event, that may preclude compliance with this Consent Order.

V. CONSENT ORDER

NOW THEREFORE, the Commissioner enters the following:

1. The Order is released.
2. The Sanctions set forth above be and are hereby entered;
3. Nothing in this Consent Order shall be construed as limiting the Commissioner's ability to take enforcement action against Saba based upon: (i) evidence of which the Department was unaware on the date hereof relating to a violation of the Act or any regulation or order under the Act; or (ii) evidence indicating that Saba withheld material information from, or made any material misstatement or omission to, the Commissioner in connection with this matter;
4. Saba shall not take any action or make or permit to be made any public statement, including in regulatory filings or otherwise, denying, directly or indirectly, that the Commissioner had a basis to pursue the allegations set forth in Section III of this Consent Order, or create the impression that this Consent Order is without factual basis;
5. Saba shall not take any position in any proceeding brought by or on behalf of the Commissioner, or to which the Commissioner is a party, that is inconsistent with any part of this Consent Order. However, nothing in this Consent Order affects Saba's testimonial obligations; or right to take any legal or factual position in litigation, arbitration, or other legal proceedings in which the Commissioner is not a party;
6. Nothing in this Consent Order shall affect the Commissioner's authority to institute any proceeding or take any action to prevent or abate violations of law, prevent or abate animal cruelty, and to impose penalties for violations of law, including but not limited to violations of any permit or license issued by the Commissioner. If at any time the Commissioner determines that the actions taken by Saba pursuant to this Consent Order have not successfully corrected all violations, the Commissioner may institute any proceeding to require Saba to undertake further investigation or further action to correct violations.
7. Nothing in this Consent Order shall relieve Saba of other obligations under applicable federal, state, and local law.
8. Any representative of the Department may enter Saba's facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Consent Order.
9. Any document required to be submitted to the Commissioner under this Consent Order or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Department of Agriculture
Bureau of Regulatory Services
Room 702
Hartford, CT 06103
Attention: Wayne Kasacek
860-713-2500

10. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this Consent Order shall be signed by a duly authorized representative of the Respondents and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense in accordance with C.G.S. Section 22-4c and Section 53a-157b, and in accordance with any other applicable statute."

11. This Consent Order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable.

The undersigned certifies that he is fully authorized to enter into this Consent Order on behalf of Saba and to legally bind Saba to the terms and conditions thereof.

Saba consents to the issuance of this Consent Order without further notice.

Saba Live Poultry, Inc.

By: 

Bilal Musid, President
Duly authorized

Issued as a final order of the Commissioner of Agriculture on July 25, 2019.



Bryan P. Hurlburt,
Commissioner