

The Gazette

DeCosters ordered to prison after U.S. Supreme Court declines to hear case

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Father-and-son egg moguls have been ordered to serve their prison time after the U.S. Supreme Court declined to hear their appeal of a 2015 food safety conviction.

Peter DeCoster, 53, of Clarion, was ordered last week to turn himself in after July 20, as notified by U.S. Marshals, to a minimum-security federal prison camp in Yankton, S.D. to serve three months for selling adulterated food.

Eggs from the Iowa farms owned by DeCoster and his father, Austin “Jack” DeCoster, were linked to a 2010 salmonella outbreak that sickened thousands. DeCoster-owned or affiliated companies recalled 550 million eggs.

Jack DeCoster, 83, of Turner, Maine, will serve his three-month sentence at a satellite prison camp at FBI Berlin in New Hampshire, 30 days after his son completes his prison term.

Both men will have one year of supervision after their release from prison and be required to pay \$83,000 together in restitution, the June 21 order states.

U.S. District Court Judge Mark Bennett sentenced the DeCosters April 13, 2015, to three months in prison for their conviction for introducing adulterated food into interstate commerce. Bennett required the men to complete a year of probation and pay \$100,000 each. One of their companies, Quality Egg LLC, was fined almost \$6.8 million.

The DeCosters paid the fines and restitution but appealed the prison time, arguing they were being punished for actions of their employees.

Tony Wasmund, a former marketing manager for the DeCosters, admitted in 2012 to conspiring with at least one other Quality Egg employee to bribe U.S. Department of Agriculture inspectors to release for sale eggs that failed to meet federal standards.

Pro-business groups, including the Cato Institute and the National Association of Manufacturers, filed briefs in support of the DeCosters, arguing executives shouldn't serve jail time.

A panel of the 8th Circuit Court of Appeals, which voted 2-to-1 to uphold the prison term, disagreed the DeCosters were blameless.

The DeCosters appealed to the U.S. Supreme Court in January, but the court decided May 22 it would not hear the case. That triggered last week's orders requiring the men to start serving their prison time.

In a motion filed June 5, attorneys representing the DeCosters requested Jack DeCoster be allowed to serve his prison time at the minimum-security New Hampshire facility because it is close to his wife, doctors and church community. Jack DeCoster is suffering from several medical conditions, including prostate cancer, the motion states.