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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	P & S Docket No. 16-0064
Carl Mendes, Jr.,)	
)	
Respondent)	Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act), by a complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that Respondent Carl Mendes, Jr. willfully violated the Act and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.). This Consent Decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.138).

Respondent Carl Mendes, Jr. admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this Consent Decision.

Complainant agrees to the entry of this Consent Decision.

Findings of Fact

1. Carl Mendes, Jr., hereinafter referred to as the respondent, is an individual. The respondent's mailing address is in the State of California. The address has not been stated here to protect the privacy of Respondent Mendes.

2. Respondent is, and at all times material herein was:

(a) Engaged in the business of a dealer buying and selling livestock in commerce;

and

(b) Registered with the Secretary of Agriculture as a dealer to buy and sell

livestock in commerce; however his registration expired on September 5,

2013.

Conclusions

Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

Respondent Carl Mendes, Jr., his agents and employees, directly or indirectly through any corporate or other device, in connection with his activities subject to the Packers and Stockyards Act, shall cease and desist from:

1. Engaging in business in any capacity for which bonding is required under the Packers and Stockyards Act and regulations promulgated thereunder without filing and maintaining an adequate bond or its equivalent;

2. Purchasing livestock and failing to pay the full amount of the purchase price for livestock before the close of the next business day following each purchase of livestock, as required by section 409 of the Act (7 U.S.C. § 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

3. Respondent Carl Mendes, Jr. is prohibited from renewing his registration and from engaging in any activities for which registration is required under the Act for a period of sixty (60) days and thereafter until such time as respondent demonstrates to the satisfaction of


GIPSA that he has an adequate bond or bond equivalent, that he has filed the requisite annual reports, including the annual reports for 2012, 2013 and 2015, and that he is in full compliance with the Act. At such time and thereafter, respondent may apply to GIPSA to renew his registration; such application that respondent may file with GIPSA will be processed in accordance with standard GIPSA procedures.


This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become effective on the sixth day after service of this Consent Decision and Order on Respondent Carl Mendes, Jr.


Copies of this Consent Decision and Order shall be served upon the parties.

Done at Washington, D.C.

this 13 day of June, 2016


Administrative Law Judge


Carl Mendes, Jr.
Respondent


Lauren C. Axley
Attorney for Complainant

CERTIFICATE OF SERVICE

Respondent. - Carl Mendes, Jr.

Docket No. 16-0064

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct and this is to certify that a copy of the foregoing has been furnished and was served upon the following parties on June 13, 2016 by the following:

USDA (OGC) –Personal Pick-up/Electronic Mail

Attorney's Name,

Donna Erwin

Lauren Axley

Respondent(s) - Certified Mail (5012 0000 0001 0500 9195)

CARL MENDES, JR.


(PII)

To protect the privacy of

Personally identifiable information

the address was not included

Respectfully Submitted,



Jamaal Clayburn

Hearing Clerk Liaison Officer

USDA/Office of Administrative Law Judges

Hearing Clerk's Office

1400 Independence Ave., SW, Room 1031-S

Washington, DC 20250-9203

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