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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	AWA Docket No. 09-0147
	)	
JESSE LOPEZ, an individual,	)	
	)	CONSENT DECISION
Respondent.	)	AND ORDER

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents willfully violated the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations in the amended 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, to the entry of this decision. The complainant agrees to the entry of this decision.

Findings of Fact

Respondent Jesse Lopez is an individual whose business mailing address is 601 West Highway 90, Sabinal, Texas 78881. At all times mentioned herein, said respondent was operating as a dealer, as that term is defined in the Act and the Regulations, and since May 6, 2008, respondent has held AWA license number 74-A-1415. Respondent previously held license number 74-A-1247.

Conclusions

Respondent Jesse Lopez has admitted the facts set forth above and the parties have agreed

to the entry of this decision. Therefore, such decision will be entered.

Order

1. Respondent Jesse Lopez, his agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the Regulations and Standards.

2. Animal Welfare Act license number 74-A-1415 is hereby suspended for a period of five years, from February 1, 2011, through January 31, 2016, and continuing thereafter until such time as APHIS has determined that respondent is in compliance with the Act and the regulations and standards. Upon such a determination, APHIS will file a notice that respondent is in compliance and that the license suspension is lifted.

3. The respondent agrees that during the suspension period described in paragraph 2 above, he will not engage in activities for which such an Animal Welfare Act license is required and that if during the said suspension period APHIS notifies respondent that it has documented a failure to comply with section 2.1 of the Regulations (9 C.F.R. § 2.1), upon receipt of such notice and supporting documentation, Animal Welfare Act license number 74-A-1415 shall be revoked, without further procedure. The respondent further agrees to a prospective waiver of his right to notice and opportunity for an oral hearing pursuant to section 19 of the Act (7 U.S.C. § 2149) as to any such failure to comply with said Regulation described in this paragraph, and the parties agree that respondent may seek further review or injunctive, declaratory or other appropriate relief in the district court in the district where respondents reside or have their place of business.

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This order shall become effective immediately. Copies of this decision shall be served upon the parties.



Jesse Lopez  
Respondent

A handwritten signature in black ink, appearing to be 'JL', written over the redacted area.



Colleen Carroll  
Attorney for Complainant

Done at Washington, D.C.  
this 27 day of Oct, 2010



Jill S. Clifton  
Administrative Law Judge