

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	
)	P & S Docket No. D-10-0218
)	
George Gonzalez,)	
)	
)	Decision Without Hearing
Respondent)	By Reason of Consent

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.), (the 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 has willfully violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (Rules of Practice) applicable to this proceeding (7 C.F.R. § 1.138).

Respondent 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 decision.

Complainant agrees to the entry of this decision.

Findings of Fact

1. George Gonzalez is an individual whose business mailing address is P.O. Box 1334, Donna, TX 78537.

2. At all times material herein, Respondent:
- (1) operated as a market agency buying livestock in commerce on a commission basis; and
 - (2) was not registered, as required, as a market agency buying livestock in commerce on a commission basis, with the Secretary of Agriculture.

Conclusions

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

Order

1. Respondent, his agents and employees, directly or through any corporate or other device, in connection with activities subject to the Act, shall cease and desist from:
 - a) engaging in operations subject to the Act without maintaining an adequate bond or bond equivalent as required by section 204 of the Act (7 U.S.C. § 204) and section 201.29 of the regulations (9 C.F.R. § 201.29).
 - b) engaging in operations subject to the Act without maintaining proper registration as required by section 303 of the Act (7 U.S.C. § 203).
2. Although Respondent no longer operates as a market agency subject to the provisions of the Act, if Respondent wishes to resume operations subject to the Act, Respondent shall register and obtain a proper bond as required by the Act before resuming operations which are subject to the Act (7 U.S.C. § 203; 9 C.F.R. § 201.29).
3. Respondent shall be assessed a civil penalty of \$1,230.00 to be paid in accordance with the Understanding Regarding Civil Penalty Terms executed by the parties.

The provisions of this Order shall become final and effective on the sixth (6th) day

after service upon Respondent.

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

Issued in Washington D.C.

this 26th day of July, 2011



Administrative Law Judge



George Gonzalez
Respondent



Rolando Garcia, Esq.
Attorney for Respondent



Brian P. Sylvester, Esq.
Attorney for Complainant