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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) APHIS Docket No. 16-0008
))
Lorenzo Castillo Sr.,))
))
Respondent) Default Decision and Order

This proceeding was instituted under the Animal Health Protection Act, as amended (7 U.S.C. §§ 8301 *et seq.* (Act) and its' regulations (9 C.F.R. Part 86 (previously Part 71)). By a Complaint filed on October 13, 2015 by the Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that respondent willfully violated the Act and its regulations by intentionally removing official identification devices from livestock intended for movement in interstate commerce.

The Complaint and a copy of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary under Various Statutes (7 C.F.R. § 1.130) (Rules of Practice) was mailed from the Hearing Clerk's Office to Respondent by certified mail on October 14, 2015. The mail was returned to the Office and marked as unclaimed. The Hearing Clerk's Office re-sent the Complaint and Rules of Practice by regular mail on December 10, 2015. Respondent was informed in the Complaint and the accompanying letter of service that an Answer should be filed pursuant to the Rules of Practice and that failure to answer would constitute an admission of all the material allegations contained in the complaint and a waiver of hearing.

As Respondent failed to file an Answer clearly denying the allegations contained in the Complaint as required by 7 C.F.R. § 1.136(b), the following Findings of Fact, Conclusions of

Law and Order will be entered pursuant to section 1.1.39 of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.139).

Findings of Fact

1. Respondent Lorenzo Castillo is an individual whose mailing address is (b) (6) [REDACTED]
(b) (6) [REDACTED]
2. On or about October 10, 2012, the Respondent, without authority, was responsible for the intentional removal of official identification devices intended to provide permanent identification of livestock and to ensure the ability to find the source of animal disease outbreaks, from approximately two hundred and eleven (211) livestock intended for movement in interstate commerce, from New Mexico to Texas, and then to Mexico, in violation of 9 C.F.R. § 71.22 (now Part 86).

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Respondent willfully violated 9 C.F.R. § 71.22 (now Part 86 of the regulations).

Order

The Respondent, Lorenzo Castillo Sr. is assessed a civil penalty of three thousand dollars (\$3,000.00). The Respondent shall pay the civil penalty by a bank check or money order and make it payable to the "Treasurer of the United States". The check should include the Docket Number of this case, APHIS Docket Number 16-0008. The check shall be mailed to: U.S. Bank, P.O. Box 979043, St. Louis, MO 63197-9000, payable within thirty (30) days from the effective date of this Order.

The provisions of this Order shall become effective on the thirtieth day after service of this Default Decision and Order.

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

Issued this 14th of June, 2016



Bobbie J. McCartney
Chief Administrative Law Judge