

JUN 11 1998

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AMA LMRA Docket No. 04-0001
)
B. Rosen & Sons, Inc.,)
and Bruce Rosen,)
) Consent Decision
Respondents) and Order

This proceeding was instituted under the Livestock Mandatory Reporting Act of 1999, 7 U.S.C. § 1621 et seq. (the "Act"), alleging that the respondents violated the Act and the Regulations issued thereunder, 7 C.F.R. § 59.10 et seq. (the "Regulations"). 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).

The respondents admit the jurisdictional allegations as set forth herein and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations of the complaint, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Conclusions

1. Respondent B. Rosen & Sons, Inc. is a corporation whose address is Building C-16, Hunts Point Co-op Market, Bronx, New York 104744.

2. Respondent Bruce Rosen is an individual whose address is Building C-16, Hunts Point Co-op Market, Bronx, New York 104744.

3. At all times material herein, the respondents were packers of lamb as defined in the Regulations, 7 C.F.R. § 59.300, and the actions of respondent B. Rosen & Sons, Inc. were directed, managed, and controlled by respondent Bruce Rosen, as president.

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

Order


1. Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, shall not violate the Act and the Regulations issued thereunder.


2. The respondents are jointly and severally assessed a civil penalty of \$10,000.00, which is hereby suspended provided that the respondents, after notice and opportunity for a hearing, are not found to have violated the Act or the Regulations for a period of one year from the effective date of this order.

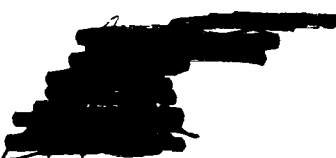
The provisions of this order shall become effective on the first day after service of this decision on the respondent.

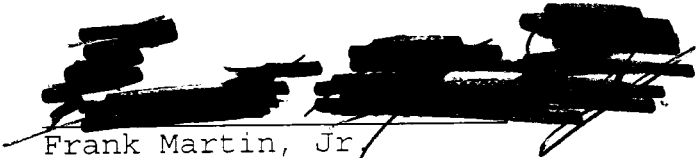
Copies of this decision shall be served upon the parties.

B. Rosen & Sons, Inc.,
Respondent


Bruce Rosen
President


Bruce Rosen
Respondent


Frank Platt
Attorney for Respondents


Frank Martin, Jr
Attorney for Complainant

Done at Washington, D.C.
this 17th day of May, 2004


Administrative Law Judge