

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE  
,

In re: ) AMA WRPA Docket No. 03-0002  
 )  
E. Vega and Sons and )  
Rene Vega, )  
 )  
Respondents ) Decision and Order

This proceeding was instituted under the Watermelon Research and Promotion Act, 7 U.S.C. § 4901 et seq. ("the Act"), by a complaint filed by the Administrator, Agricultural Marketing Service, United States Department of Agriculture, alleging that the respondents violated the Watermelon Research and Promotion Plan, 7 C.F.R. § 1210.301-1210.405 (the "Plan"), and the rules and regulations issued thereunder, 7 C.F.R. § 1210.500-1210.532 (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, 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.

Findings of Fact

1. Respondent E. Vega and Sons is a corporation whose address is 1002 S. Texas Ave., Mercedes, Texas 78570.

2. Respondent Rene Vega is an individual whose address is 1002 S. Texas Ave., Mercedes, Texas 78570.

3. At all times material herein, the respondents were handlers of watermelons as defined in the Act, 7 U.S.C. § 4902(4), and the Plan, 7 C.F.R. § 1210.308, and the actions of respondent E. Vega and Sons were directed, managed, and controlled by respondent Rene Vega as president.

Conclusions

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 agree to comply with each and every requirement of the Plan, and in particular, respondents agree to comply with the requirements with respect to paying assessments for watermelons handled.

2. Respondents shall pay \$3,000 in assessments, penalties and interest for watermelons handled in the 1999 through 2004 seasons by a certified check or money order made payable to the National Watermelon Promotion Board.

Complainant agrees that this decision and order represent the final resolution of the allegations contained in the complaint, and

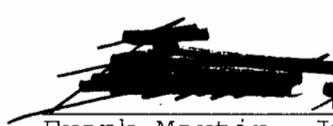
that it shall not seek any further remedy with respect to such allegations through any other provision of the Act.

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

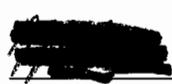
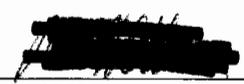
Copies of this decision shall be served upon the parties.

Rene Vega for E. Vega and Sons  
and for himself,

   
\_\_\_\_\_  
Rene Vega  
Respondents

   
\_\_\_\_\_  
Frank Martin, Jr.  
Attorney for Complainant

Done at Washington, D.C.  
this 19th day of September, 2005

   
\_\_\_\_\_  
MARC R. HILLSON  
Chief Administrative Law Judge