

(Nov. 8, 2006), and requesting a stay of the order as to Petitioner Keyeski in *In re Donald R. Beucke*, ___ Agric. Dec. ___ (Nov. 8, 2006), pending the outcome of proceedings for judicial review. On November 30, 2006, I granted Petitioner Keyeski's motion for stay.²

On April 6, 2007, the United States Court of Appeals for the Ninth Circuit dismissed Petitioner Keyeski's petition for review.³ On June 7, 2007, the Chief, PACA Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture [hereinafter Respondent], filed a motion to lift the November 30, 2006, Stay Order as to Keith K. Keyeski. Petitioner Keyeski failed to file a response to Respondent's motion to lift stay, and on August 8, 2007, the Hearing Clerk transmitted the record to the Judicial Officer for a ruling on Respondent's motion to lift stay.

Proceedings for judicial review are concluded, and Petitioner Keyeski has filed no objection to Respondent's motion to lift stay. Therefore, Respondent's motion to lift stay is granted; the November 30, 2006, stay order is lifted; and the Order as to Petitioner Keyeski in *In re Donald Beucke*, ___ Agric. Dec. ___ (Nov. 8, 2006), is effective as follows.

²*In re Donald R. Beucke* (Stay Order as to Keith K. Keyeski), ___ Agric. Dec. ___ (Nov. 30, 2006).

³*Keyeski v. U.S. Dep't of Agric.*, No. 07-70140 AGRI No. 04-0020 (9th Cir. Apr. 6, 2007).

ORDER

I affirm Respondent's August 13, 2004, determination that Petitioner Keyeski was responsibly connected with Bayside Produce, Inc., when Bayside Produce, Inc., violated section 2(4) of the PACA (7 U.S.C. § 499b(4)). Accordingly, Petitioner Keyeski is subject to the licensing restrictions under section 4(b) of the PACA and the employment restrictions under section 8(b) of the PACA (7 U.S.C. §§ 499d(b), 499h(b)), effective 60 days after service of this Order on Petitioner Keyeski.

Done at Washington, DC

August 9, 2007

William G. Jenson
Judicial Officer