

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 13-0284

In re: Adams Produce Company LLC,
Respondent

Default Decision and Order

Preliminary Statement

This is a disciplinary proceeding under the Perishable Agriculture Commodities Act, 1930, as amended (7 U.S.C. § 499a *et seq.*)(PACA), instituted by a Complaint filed on January 30, 2013, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture. The Complaint alleged that during the period August 8, 2011, through May 18, 2012, Adams Produce Company LLC (Respondent) failed to make full payment promptly of the agreed purchase price for 9,314 lots of perishable agricultural commodities, which it purchased, received, and accepted in interstate and foreign commerce from 51 sellers, in the total amount of \$10,735,186.81.

A copy of the Complaint was mailed to the address of Respondent's member/shareholder by certified mail, and was delivered on July 17, 2013. Respondent failed to answer the Complaint. The time for filing an Answer having expired, and upon motion of the Complainant for the issuance of a Default Order, the following Findings of Fact, Conclusions of Law and Order will be entered pursuant to section 1.139 of the Rules of Practice Governing Formal

Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 *et seq.*) (Rules of Practice).

Findings of Fact

1. Adams Produce Company LLC (Respondent) is a limited liability company organized and existing under the laws of the state of Delaware. Its last known business address was 302 Finley Avenue West, Birmingham, Alabama, 35204-1050.
2. As Respondent is not currently operating, the entity was served at the home address of one of its members/shareholders.
3. At all times material herein, Respondent was licensed under and operating subject to the provisions of the PACA. License number 2010 1293 was issued to Respondent on September 23, 2010. This license terminated on September 23, 2012, pursuant to section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual fee.
4. During the period August 8, 2011, through May 18, 2012, on or about the dates and in the transactions set forth in Appendix A to the Complaint and incorporated therein by reference, failed to make full payment promptly to 51 sellers of the agreed purchase prices, or balances thereof, for 9,314 lots of perishable agricultural commodities which Respondent purchased, received, and accepted in the course of interstate commerce, in the total amount of \$10,735,186.81.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Respondent willfully, repeatedly and flagrantly violated section 2(4) of the PACA (7 U.S.C. § 499b(4)).

Order

1. The facts and circumstances of the violations shall be published.
2. This Order shall take effect on the 11th day after this Decision becomes final.
3. Pursuant to the Rules of Practice, this Decision will become final without further proceedings 35 days after service hereof unless appealed to the Secretary by a party to the proceeding within 30 days after service as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139 and 1.145).

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

November 22, 2013

Peter M. Davenport

Peter M. Davenport
Chief Administrative Law Judge