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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	PACA Docket No. D–15-0022
	)	
	)	
Bissett Produce Company, Inc.,	)	
	)	
	)	
Respondent	)	

Consent Decision and Order

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.) (PACA). The Complaint filed herein, on October 31, 2014, alleged that Respondent had committed willful, flagrant and repeated violations of section 2(4) of the PACA when Respondent, while acting as a growers' agent, during the period September 2010 through June 2013, failed to remit net proceeds to nine (9) growers for 72 lots of perishable agricultural commodities which Respondent received, accepted and sold on behalf of growers in interstate and foreign commerce, in the total amount of $1,637,414.61. The Complaint sought the issuance of an order finding that Respondent had committed willful, flagrant and repeated violations of section 2(4) of the PACA, and publication thereof.[1]

The Complaint was served upon Respondent, Respondent agrees that the Secretary has jurisdiction in this matter, and neither admits nor denies the remaining allegations. The parties have agreed to the entry of a Consent Decision and Order as set forth herein. Therefore, this Consent Decision and Order is entered without further procedure or hearing pursuant to the

[1] Complainant sought publication of the facts and circumstances surrounding Respondent's PACA violations, rather than revocation of Respondent's PACA license, since Respondent's PACA license terminated on December 18, 2013, pursuant to section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual fee.

consent decision provisions (7 C.F.R. §1.138) 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) applicable to this proceeding.

Findings of Fact

1. Respondent is a corporation organized and existing under the laws of the state of North Carolina. Respondent's business and mailing address is or was 120 Ash Street, Spring Hope, North Carolina 27882.

2. At all times material herein, Respondent was licensed and operating subject to the provisions of the PACA. License number 19980367 was issued to Respondent on December 18, 1997. The license terminated on December 18, 2013, pursuant to section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual renewal fee.

Conclusions

Respondent's failure to remit the net proceeds for perishable agricultural commodities which Respondent received, accepted and sold on behalf of growers in interstate and foreign commerce, as more fully stated in the allegations of the Complaint, constitutes flagrant and repeated violations of section 2(4) of the PACA (7 U.S.C. § 499b(4)).

Order

A finding is issued that Respondent has engaged in flagrant and repeated violations of the PACA, and the facts and circumstances of the violation shall be published. Any employment sanctions and licensing restrictions attendant to this case will take effect upon issuance of this finding and order of publication.

Respondent waives all further proceeding in this matter.

This Order shall become final and effective upon issuance.

Copies hereof shall be served upon parties.

[redacted]

Melissa Bailey
Associate Deputy Administrator
Fruit and Vegetable Program
Agricultural Marketing Service

March 26, 2015
Date signed

[redacted]

Christopher Young, Esq.
Attorney for Complainant

March 18, 2015
Date signed

[redacted]

Lawrence H. Meuers
Attorney for Respondent

March 16, 2015
Date Signed

Done at Washington, D.C.

this 31st day of March, 2015

[redacted]

Administrative Law Judge
JANICE K BULLARD