UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	PACA Docket No. D–15-0032
	)	
	)	
Farmers Processing, Inc.,	)	
	)	
	)	
Respondent	)	

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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 November 24, 2014, alleged that Respondent had committed willful, flagrant and repeated violations of section 2(4) of the PACA by failing to make full payment promptly to one (1) seller of the agreed purchase prices in the total amount of $1,061,313.63 for 141 lots of perishable agricultural commodities, which Respondent purchased, received, and accepted in the course of interstate and foreign commerce, during the period of April 2011 through September 2011. 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 of the facts and circumstances of Respondent's PACA violations pursuant to section 8(a) of the PACA (7 U.S.C. § 499h(a)).

The Complaint was served upon Respondent, Respondent agrees that the Secretary has jurisdiction in this matter, and the parties have now 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 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 or was a corporation organized and existing under the laws of the state of California. During all times material herein, its business address was 274 Kearney Street, Watsonville, California, 95076, and its mailing address was P.O. Box 608, Watsonville, California 95077-0608. This is the last known business and mailing address of Respondent.

2. At all times material herein, Respondent was licensed under and operating subject to the provisions of the PACA. License number 19891194 was issued to Respondent on May 8, 1989. This license terminated on May 8, 2012, pursuant to section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual fee.

3. Respondent, during the period April 2011 through September 2011, on or about the dates and in the transactions set forth in Appendix A to the Complaint, incorporated herein by reference, failed to make full payment promptly to one (1) seller of the agreed purchase prices in the total amount of $1,061,313.63 for 141 lots of perishable agricultural commodities, which Respondent purchased, received, and accepted in interstate and foreign commerce.

Conclusions

Respondent's failure to make full payment promptly to one (1) seller of the agreed purchase prices of the perishable agricultural commodities described in Finding of Fact paragraph 3 above constitutes willful, 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 willful, flagrant and repeated violations of the PACA, and the facts and circumstances of Respondent's violations shall be

published pursuant to section 8(a) of the PACA (7 U.S.C. § 499h(a)). Any employment sanctions attendant to this case pursuant to section 8(b) of the PACA (7 U.S.C. § 499h(b)) shall take effect immediately upon issuance of this Consent Decision and Order.

Respondent waives all further proceedings 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

2-27-15
Date signed

[redacted]

Christopher Young, Esq.
Attorney for Complainant

2-18-15
Date signed

[redacted]

Raymond Rodriguez
Representative for Respondent

2-23-15
Date Signed

Done at Washington, D.C.

this 27th day of February, 2015

[redacted]

Janice K. Bullard
Administrative Law Judge