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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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06-0009

In re:)	PACA Docket No. D-
)	
Pieter Schoonveld)	
d/b/a Dayton Trading Company,)	
)	
Respondent)	Consent Decision and Order
)	

Preliminary Statement

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. §499a et seq.; hereinafter referred to as the "PACA"), instituted by a Complaint filed on by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture.

The Complaint alleges that during the period February 2004 through June 2004, Respondent Pieter Schoonveld d/b/a Dayton Trading Company, (hereinafter "Respondent") failed to make full payment promptly to six sellers of the agreed purchase prices, or balances thereof, in the total amount of \$628,191.75 for perishable agricultural commodities, which it purchased, received and accepted in interstate and foreign commerce. A copy of the Complaint was served upon Respondent. The Respondent and Complainant have now agreed to the entry of a Decision and Order as set forth herein. Therefore, pursuant to Section 1.138 of the Rules of Practices (7 C.F.R. 1.138), the following Decision and Order is issued without further procedure or hearing.

Finding of Fact

1. Respondent is an individual whose business address is 811 N.W. 18th Street, McMinnville, Oregon 97128 and mailing address is 521 Ferry Street, Dayton, Oregon 97114.

2. Pursuant to the licensing provisions of the PACA, license number 19940535 was issued to Respondent on January 24, 1994. This license terminated on January 24, 2005, pursuant to section 4(a) of the PACA (7 U.S.C. § 499(a)), when Respondent failed to pay the required annual renewal fee.

3. During the period February through June 2004, Respondent failed to make full payment promptly to six sellers of the agreed purchase prices, or balances thereof, in the total amount of \$628,191.75 for 64 shipments of perishable agricultural commodities that it purchased, received, and accepted in interstate and foreign commerce.

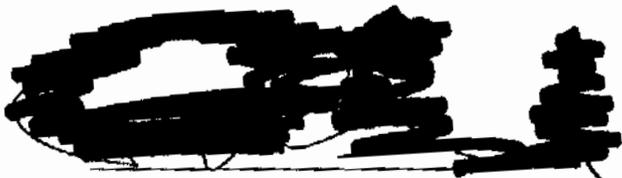
Conclusions

Respondent has committed flagrant violations of section 2(4) of the PACA (7 U.S.C. §499b), by failing to make full payment promptly with respect to the transactions set forth in Finding of Fact No. 3 above, for which the Order below is issued.

Order

A finding is made that Respondent committed willful, flagrant and repeated violations of section 2 of the Act (7 U.S.C. §499b), and that the facts and circumstances of the violations set forth above shall be published.

This order shall become effective upon its issuance, pursuant to Section 1.138 of the Rules of Practice (7 C.F.R. §1.138). Copies hereof shall be served upon the parties.



Pieter Schoonveld
d/b/a Dayton Trading Company
Respondent



Associate Deputy Administrator
Fruit and Vegetable Programs
Agricultural Marketing Service
Complainant



Charles E. Harrell
Cain & Gumm, LLP
Attorney for Respondent



Ann Parnes
Office of the General Counsel
United States Department of Agriculture
Attorney for Complainant

Issued this 10th day of April, 2006
at Washington, D.C.



Administrative Law Judge