

# USDA AMS

## Sample PACA Formal Complaint Form

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P.A.C.A. DOCKET NO. (Do not fill in)

( Correct Trade Name ) )  
Complainant, )  
vs. )  
( Correct Trade Name ) )  
Respondent, )

C O M P L A I N T

Complainant above-named respectfully alleges:

1. That complainant is (choose one: a - d)

(a) an individual

(b) an individual (insert name) doing business as (insert name)

(c) a partnership, composed of (give names of partners), doing business as (insert name) (d) a corporation

whose post office address is (insert address).

2. That complainant is informed and believes that respondent is (choose one: a - d)

(a) an individual

(b) an individual doing business as (insert name)

(c) a partnership composed of (insert partners' names)

(d) a corporation

whose post office address is (insert address).

3. That respondent, at the time of the transaction(s) involved herein, was licensed, or was subject to license, under the Perishable Agricultural Commodities Act of 1930, as a dealer, commission merchant, and/or broker.

4. That on or about the (Day) of (Month), (Year), in the course of (choose one: interstate or foreign) commerce, complainant, by (choose one: oral or written) contract sold to the respondent (Enter amount) (choose one: truckload(s) or carload(s)) of (Kind of commodity and size and grade thereof), being a perishable agricultural commodity, at the agreed price of \$ per . (List unit and total sales price, whether f.o.b. or delivered basis, and any allowances. Give shipping date, shipping point, routing, contract destination, and other material contract specifications.)

5. That said commodity was inspected at point of shipment on or about the (Day) of (Month), (Year), the report on which inspection is set forth in certificate attached hereto as Exhibit No.(Enter exhibit number(s)). (This paragraph may be omitted if no inspection was involved.)

6. That said contract was negotiated by (Insert name), a broker, located at (Full address), who acted in negotiating such sale as agent for both complainant and respondent. (This language should be modified, if necessary, to conform to the facts in each individual case, or omitted entirely if no broker is involved).

7. That complainant shipped on (Date) from loading point(s) in the (Choose one: State or Country) of (Insert name), in (Choose one: interstate or foreign) commerce, to respondent at (Insert respondent's street address) in the State of (Insert name), the kind, quality, grade, and size of commodity called for in said contract of sale. (Modify this language, if necessary, to conform to the facts), and in the manner agreed upon, in truck(s) operated by (Insert name) whose address is (Insert complete address) (or in car(s) initialed and numbered).

8. That upon arrival of said (commodity) at destination, respondent accepted the commodity(ies) in compliance with said contract of sale but has since failed, neglected, and refused to pay complainant the agreed purchase price thereof (or has paid complainant only \$ , leaving a balance due of \$ ). (Modify to fit the nature of the contract, if other than a purchase and sale)

9. That the matters and actions set forth herein constitute a violation by respondent of Section 2 of the Perishable Agricultural Commodities Act of 1930.

10. That there is now due and owing complainant from respondent the sum of \$ , no part of which has been paid.

11. Complainant's exhibits, numbered 1 to , inclusive, are original, or true copies of original papers relating to the matters involved herein and are attached hereto as a part of this complaint.

WHEREFORE complainant prays that a copy of this complaint be served upon the above-named respondent and that he (it) be required to answer the charges herein stated in writing within such time as the Secretary may require; that, upon the record made, either with or without formal hearing, as provided in the Act or in the regulations, and by appropriate order, the complainant be awarded such amount of damages as he (it) may be entitled to receive according to the facts established, and that the Secretary also make such other and further orders and take such disciplinary action contemplated by Section 8 of the Act as may be deemed fit and proper in the premises.

Dated, this (Day) of (Month), (Year).

( Correct Trade Name )

Complainant

( Signature)

Title (Owner)(Partner)(President), etc.

(Name of person signing complaint), being first duly sworn, says that he has read the foregoing complaint and knows the contents thereof and that the same is true, except as to matters therein

stated on information and belief, and as to such matters he believes it to be true, and that he is duly authorized to sign the complaint on behalf of the complainant.

(Signature of Person Signing Complaint)

Subscribed and sworn to before me this (Day) of (Month), (Year).

[Notary Stamp or Seal]

(Signature of Notary Public)