

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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OALJ/HCC
2001 AUG 28 P

In re:) PACA Docket No. D-01-0003
F. Stea & Son, Inc.,)
Respondent) Decision Without Hearing by Reason of
Default

RECEIVE

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 "Act", instituted by a complaint filed on October 25, 2000, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture. It is alleged in the complaint that during the period September 1999 through October 1999, Respondent failed to make full payment promptly to six sellers the agreed purchase prices in the total amount of \$424,948.00 for 32 lots of perishable agricultural commodities that Respondent purchased, received and accepted in interstate and foreign commerce.

A copy of the complaint was served upon Respondent, and it has not been answered. The time for filing an answer having run, and upon motion of the Complainant for the issuance of a Default Order, the following Decision and Order is issued without further investigation or hearing pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. F. Stea & Son, Inc. (hereinafter, "Respondent"), is a corporation organized and existing under the laws of the State of Pennsylvania. Its mailing address is 3300 South Galloway Street, Unit 90, Philadelphia, Pennsylvania 19148.
2. At all times material herein, Respondent was licensed under the provisions of the PACA. License number 981954 was issued to Respondent on September 17, 1998. This license

terminated on September 17, 2000, pursuant to Section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual renewal fee.

3. As more fully set forth in paragraph 3 of the complaint, Respondent, during the period September 1999 through October 1999, failed to make full payment promptly to six sellers the agreed purchase prices in the total amount of \$424,948.00 for 32 lots of perishable agricultural commodities that Respondent purchased, received and accepted in interstate and foreign commerce.

Conclusions

Respondent's failure to make full payment promptly with respect to the transactions set forth in Finding of Fact 3 above, constitutes willful, flagrant and repeated violations of Section 2(4) of the PACA (7 U.S.C. § 499b(4)), for which the Order below is issued.

Order

A finding is made that Respondent has committed willful, repeated and flagrant violations of Section 2(4) of the Perishable Agricultural Commodities Act (7 U.S.C. § 499b(4)), and the facts and circumstances set forth above shall be published.

This order shall take effect on the 11th day after this Decision becomes final.

Pursuant to the Rules of Practice governing procedures under the Act, 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 thirty days after service as provided in Sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139, 1.145).

Copies hereof shall be served upon the parties.

Done at Washington, D.C.

this 28th day of August 2001

Dorinda A. Baker
Administrative Law Judge