

UNITED STATES DEPARTMENT OF AGRICULTURE

2001 MAY -3 P 3:15

BEFORE THE SECRETARY OF AGRICULTURE

In re:)	PACA Docket No. 00-0000
)	
Glacier Distribution)	
Company, Inc.,)	
)	Decision Without Hearing
Respondent)	By Reason of Consent

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Preliminary Statement

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.) (PACA), instituted by a complaint filed on September 7, 2000, by the Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture.

The complaint alleged that Respondent willfully, flagrantly and repeatedly violated section 2(4) of the PACA by failing to make full payment promptly of \$208,089.80 to 10 sellers for 17 lots of perishable agricultural commodities sold in interstate commerce from July 1999 through February 2000. The complaint requested the issuance of an order finding that Respondent had committed willful, flagrant and repeated violations of the PACA and ordering Respondent's violations published.

Respondent wishes to consent to the entry of this Decision. Complainant also agrees to the entry of this Decision. Therefore, this Decision is entered without further procedure or hearing pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Findings of Fact

1. Respondent, Glacier Distribution Co., Inc. (hereinafter, "Respondent"), is a Colorado corporation whose business address is 866 East 50th Avenue, Denver, Colorado 80216.
2. Respondent, although operating subject to the PACA, never applied for and never received a PACA license.
3. As more fully set forth in paragraph III of the complaint, Respondent willfully, flagrantly and repeatedly violated section 2(4) of the PACA (7 U.S.C. § 499b(4)) by failing to make full payment promptly of \$208,089.80 to 10 sellers for 17 lots of perishable agricultural commodities sold in interstate commerce from July 1999 through February 2000.

Conclusions

1. Respondent's failure to make full payment promptly 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.
2. Respondent has, as of the date of this order, made full payment to all of the sellers listed in the complaint, and Respondent is currently in compliance with the provisions of the PACA.

Order

Respondent is found to have committed willful, flagrant and repeated violations of section 2(4) of the PACA (7 U.S.C. § 499b(4)), and the facts and circumstances of such violation shall

be published. The publication is held in abeyance pending the following conditions:

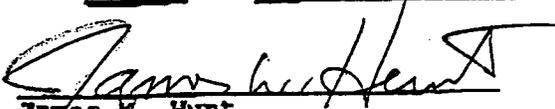
Respondent shall pay a civil penalty in the amount of \$75,000 and comply with all the terms of the Understanding Regarding Civil Penalty and Agreement entered into between Complainant and Respondent.

This Order will take effect 10 days from the date this Decision becomes final. This Decision will become final without further proceedings upon its issuance, pursuant to section 1.138 of the Rules of Practice (7 C.F.R. § 1.138).

Copies of this order shall be served upon the parties.

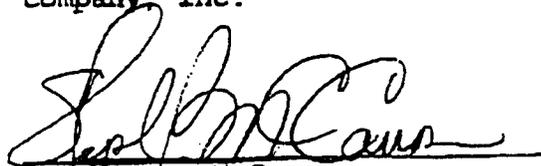
Done at Washington, D.C.

this 3rd of May, 2001

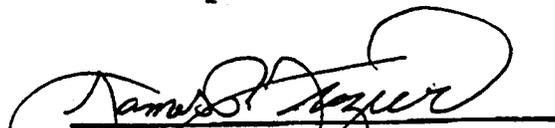

James W. Hunt
Administrative Law Judge

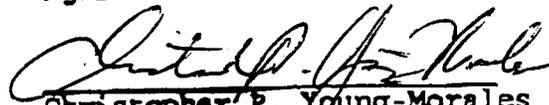
For Respondent


for Glacier Distribution
Company, Inc.


Stephen P. McCarron
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For Complainant


Eric M. Forman
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