

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

USDA
CALJ/100

In re:)
)
Great American Farms, Inc.,)
)
Respondent)

PACA Docket No. D- 01-0084 2004 JUN 15 P 4: 17

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DECISION WITHOUT HEARING BY REASON OF CONSENT

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.) (PACA). Complainant has filed a complaint alleging that during the period of January 1997 through December 1997, Respondent, while acting as a grower's agent, failed to account truly and correctly and make full payment promptly to a grower of the net proceeds for vegetables which Respondent received, accepted, and sold on the grower's behalf in interstate or foreign commerce. The complaint alleged that Respondent sold the vegetables to 38 buyers in 109 transactions while under reporting the sales price to the grower by \$15,717.85. The complaint requested the issuance of an order finding that Respondent committed flagrant and repeated violations of section 2(4) of the PACA (7 U.S.C. § 499(b)(4)) and suspending Respondent's PACA license for 60 days, or imposing an equivalent civil penalty.

The parties have now agreed to the entry of a Decision Without Hearing by Reason of Consent as set forth herein. Therefore, this Decision Without Hearing by Reason of Consent 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. Great American Farms, Inc. (hereinafter "Respondent"), is a corporation organized and existing under the laws of the State of Florida, with a mailing address of 1287 W. Atlantic Boulevard, Pompano Beach, Florida 33069.

2. At all times material herein, Respondent was licensed under the provisions of PACA. License number 880411 was issued to Respondent on December 17, 1987. This license has been renewed annually and is next subject to renewal on or before December 17, 2001.

Conclusion

Respondent admits the jurisdictional allegations of the complaint, neither admits nor denies the remaining allegations of the complaint, and agrees to the following order.

Order

Respondent is ordered to pay a civil penalty in the amount of \$45,000.00.

This order shall become final upon issuance.

Copies of this order shall be served upon the parties.

Done at Washington, D.C.

this 15 of August, 2001

Jill A. Clifton
Administrative Law Judge

For Respondent

[Signature]
for Great American Farms, Inc.

[Signature]
Thomas T. Alspach, Esq.
Attorney for Respondent

For Complainant

[Signature]
Associate Deputy Administrator
Fruit and Vegetable Programs
Agricultural Marketing Service

[Signature]
Andrew Y. Stanton, Esq.
Attorney for Complainant

TOTAL P.08

TOTAL P.09