

Answers

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) PACA Docket No. D-99-17
)
Market Masters, Inc.)
)
Respondent) Consent Decision and Order

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Preliminary Statement

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act (7 U.S.C. § 499a et seq.) (PACA), instituted by a Complaint filed on August 12, 1999, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture.

The Complaint alleges that Market Masters, Inc., fraudulently procured PACA license 961362 by submission of a license application that concealed and withheld certain facts respecting violations of the PACA by an officer, agent, or employee. Respondent's answers to questions 10a and 10c of the PACA license application were incorrect because at the time the application was submitted Respondent unlawfully employed Kevin Branigan, an individual whose previous license had been revoked and against whom there were unpaid reparation awards. The Complaint further alleges that the PACA license would not have been granted to Respondent, but for this fraud.

Respondent and Complainant have now agreed to the entry of a Decision and Order as set forth herein. Therefore, pursuant to the consent decision provisions of the Rules of Practice (7 C.F.R. § 1.138) the following Decision and Order is issued without further procedure or hearing.

Finding of Fact

1. Respondent is a broker of fresh fruits and vegetables whose business address is listed as 133 Hogeland Road, Southampton, Pennsylvania 18966 and whose mailing address is listed as P. O. Box 523, Southampton, Pennsylvania 18966.

2. Pursuant to the licensing provisions of the PACA, license number 961362 was issued to Respondent on April 24, 1996. This license has been renewed annually and is next subject for renewal on or before April 24, 2000.

3. Werner Sontagh is an individual whose home address is 133 Hogeland Road, Southampton, Pennsylvania 18966. The license application lists Sontagh as sole officer and stockholder of Respondent and Sontagh certified the PACA license application of Respondent.

4. As set forth more fully in paragraph III of the Complaint, Respondent procured PACA license number 961362 by submitting a license application that concealed and withheld certain facts regarding violations of the PACA by an officer, agent, or employee because Respondent employed Kevin Branigan, an individual whose previous license had been revoked and against whom there were unpaid reparation awards.

5. The Secretary has jurisdiction over Respondent and the subject matter involved herein.

6. Respondent does not contest the allegations of the Complaint and consents to the entry of this Order.

Conclusions

Respondent obtained PACA license number 961362 on the basis of false and misleading statements while unlawfully employing Kevin Branigan who, at the time the application was submitted, was an individual whose previous license had been revoked and against whom there were unpaid reparation awards.

Order

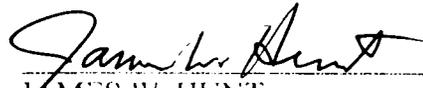
A finding is made that the Respondent obtained PACA license number 961362 on the basis of false and misleading statements and it is hereby ordered that this license is revoked pursuant to 7 U.S.C. § 499h(c).

This order shall become final upon issuance.

Copies hereof shall be served upon the parties.

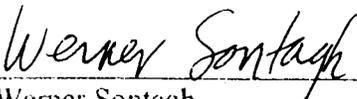
Done at Washington, D.C.

this 30th day of March, 2006



JAMES W. HUNT
Chief Administrative Law Judge

For Respondent



Werner Sontagh
President
Market Masters, Inc.

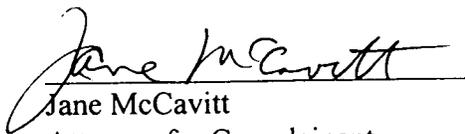
For Complainant



Eric M. Forman
Associate Deputy Administrator
Fruit and Vegetable Programs
Agricultural Marketing Service



Stephen R. McCarron
McCarron & Associates
Attorney for Respondent



Jane McCavitt
Attorney for Complainant