

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) PACA Docket No. D-03-0007
)
Metro Brokerage & Distributing, Inc.)
)
Respondent) Decision Without Hearing
) by Reason of Default

Preliminary Statement

This is a disciplinary proceeding under the Perishable Agriculture Commodities Act, 1930, as amended (7 U.S.C. § 499a *et seq.*) (hereinafter referred to as the "Act"), instituted by a Complaint filed on January 13, 2003, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture. The Complaint alleged that during the period August 7, 2001, through November 11, 2001 Respondent Metro Brokerage & Distributing, Inc. failed to make full payment promptly to 16 sellers of the agreed purchase prices in the total amount of \$331,723.45 for 149 lots of perishable agricultural commodities which it purchased, received, and accepted in interstate commerce.

A copy of the Complaint was mailed to Respondent by certified mail at its business mailing address on January 14, 2003, and was received by the Respondent on January 29, 2003. The time for filing an Answer to the Complaint expired on February 18, 2003. Respondent has not answered the Complaint. The time for filing an Answer having expired, and upon motion of the Complainant for the issuance of a Default Order, the following Decision and Order shall be issued without further procedure pursuant to Section 1.139 of the Rules of Practice.

Finding of Fact

1. Respondent is a corporation organized and existing under the laws of the State of Texas. Respondent's business mailing address is 2000 Gerald Lane, Arlington, Texas 76001-8417.
2. At all times material herein, Respondent was licensed under the PACA. License number 810075 was issued to Respondent on October 20, 1980. This license terminated on October 20, 2002, 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. The Secretary has jurisdiction over Respondent and the subject matter involved herein.
4. Respondent, during the period August 7, 2001, through November 11, 2001, failed to make full payment promptly to 16 sellers of the agreed purchase prices in the total amount of \$331,723.45 for 149 lots of perishable agricultural commodities which it purchased, received, and accepted in interstate commerce.

Conclusions

Respondent's failure to make full payment promptly with respect to the 149 transactions set forth in Finding of Fact No. 4 above constitutes wilful, repeated and flagrant violations of Section 2(4) of the Act (7 U.S.C. § 499b(4)), for which the Order below is issued.

Order

Respondent has committed willful, flagrant and repeated violations of Section 2 of the Act (7 U.S.C. 499b), and the facts and circumstances of the violations shall be published.

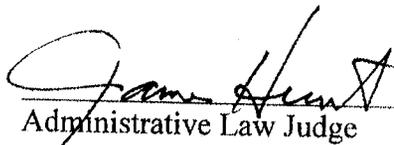
This order shall take effect on the 11th day after this Decision becomes final.

Pursuant to the Rules of Practice, 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 30 days after service as provided in Sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. 1.139 and 1.145).

Copies hereof shall be served upon parties.

Done at Washington, D.C.

this 29th day of MAY, 2003


Administrative Law Judge