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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:

RLC Produce, Inc., a/t/a
R & L Produce,

Respondent

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PACA Docket No. D-02-0029

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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 September 30, 2002, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture. The complaint alleges that during the period May 2001 through November 2001, Respondent RLC Produce, Inc., also trading as R & L Produce (hereinafter "Respondent"), failed to make full payment promptly to one seller of the agreed purchase prices in the total amount of \$769,309.80 for 107 lots of perishable agricultural commodities which it purchased, received and accepted in interstate commerce.

As described in Complainant's Motion for Decision Without Hearing by Reason of Default, service was effected upon Respondent on November 21, 2002. The time for filing an answer expired on December 11, 2002, 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 (7 C.F.R. § 1.139).

Findings of Fact

1. RLC Produce, Inc., also trading as R & L Produce, is a corporation organized and existing under the laws of the State of Texas. Respondent's business address is 1900 Corinth Street, Dallas, Texas 75315, and its mailing address is P. O. Box 150065, Dallas, Texas 75315.

2. At all times material herein, Respondent was licensed under the provisions of the PACA. License number 950092 was issued to Respondent on October 17, 1994. This license has been renewed regularly and is next subject to renewal on or before October 17, 2003.

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

4. During the period from May 2001 through November 2001, Respondent purchased, received, and accepted in interstate commerce, from one seller, 107 lots of fruits and vegetables, all being perishable agricultural commodities, but failed to make full payment promptly of the agreed purchase prices, in the total amount of \$769,309.80.

Conclusions

Respondent's failure to make full payment promptly with respect to the transactions set forth in Finding of Fact No. 4 above, constitutes willful, 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

A finding is made that the Respondent has committed willful, flagrant and repeated violations of Section 2 of the Act (7 U.S.C. 499b), and the PACA license of Respondent is hereby revoked.

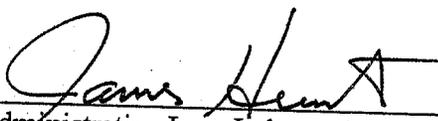
This order shall take effect on the 11th day after this Decision becomes final.

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 21st day of April, 2003



Administrative Law Judge