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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
Just A Taste Produce	)	
Company of New Jersey, Inc.,	)	PACA Dkt. No. D-99-0005
	)	
Respondent	)	

Decision Without Hearing By Reason of Consent

This notice to show cause and disciplinary proceeding, brought under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. §499a *et seq.*), hereinafter the PACA, was instituted on December 30, 1998 by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture, by the filing of a Notice to Show Cause and Complaint alleging that Respondent is unfit to engage in the business of a commission merchant, dealer, or broker, because it engaged in practices of a character prohibited by the PACA and committed wilful, flagrant, and repeated violations of Section 2(4) of the PACA (7 U.S.C. §499b(4)) by failing to make full payment promptly of the agreed purchase prices, in the total amount of $41,615.00, to five (5) sellers for 53 lots of perishable agricultural commodities which it purchased, received, and accepted in interstate commerce between March 24, 1998 and October 16, 1998.

Respondent withdrew its application for a license and the parties agreed to the issuance of a consent decision. Complainant moved for this Decision to be entered without further procedure or hearing pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary (7 C.F.R. §1.136), hereinafter the Rules of Practice.

Findings of Fact

1. Just A Taste Produce Company of New Jersey, Inc., referred to herein as Respondent, exists and is organized under the laws of the State of New Jersey and has a business mailing address of 17 Madison Street, Newark, New Jersey 07105.

2. At all times material herein, Respondent was operating subject to the PACA.

3. On December 4, 1998, Respondent submitted a complete application for a license. After the Notice to Show Cause and Complaint was filed in this matter, Respondent withdrew its application for license.

4. As set forth in section IV of the Notice to Show Cause and Complaint, Respondent failed to make full payment promptly of the agreed purchase prices, in the total amount of $41,615.00, to five (5) sellers for 53 lots of perishable agricultural commodities which it purchased, received, and accepted in interstate commerce between March 24, 1998 and October 16, 1998.

Conclusions

Respondent's failures to make full payment promptly for its produce purchases constitute wilful, flagrant, and repeated violations of Section 2(4) of the PACA (7 U.S.C. §499b(4)), for which the Order below is issued.

Order

Respondent is found to have committed wilful, flagrant, and repeated violations of Section 2(4) of the PACA (7 U.S.C. § 499b(4)).

The facts and circumstances of Respondent's violations of the PACA shall be published.

This Decision and Order shall become final and effective without further proceedings upon its issuance, pursuant to section 1.138 of the Rule of Practice (7 C.F.R. §1.138).

Copies hereof shall be served on the parties.

Just A Taste Produce Company of New Jersey, Inc.
By: _____
Title: Pres

_____
Respondent

_____
Andre Allen Vitale
Attorney for Complainant

Done at Washington, D.C.

this 26th of January, 1999.

_____
James W. Hunt
Administrative Law Judge