

USDA
OALJ/OH

2014 JUN -7 PM 3:03

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AMAA Docket No. 06-0002
)
Navarette Produce Co., LLC)
)
Respondent) Consent Decision and
) Order

This proceeding was instituted under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. §601 et seq.) ("the Act"), by a complaint filed by the Administrator, Agricultural Marketing Service, United States Department of Agriculture, alleging that the respondent willfully violated the marketing order regulating the handling of Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon, 7 C.F.R. §958 et seq. (the "Order"). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. §1.138)).

The respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Navarette Produce Co., LLC, is a limited liability company organized under the laws of the State of Oregon and the mailing address of its principal place of business is 718 Highway 20/26, Ontario, Oregon 97914.

2. At all times material hereto, the respondent was engaged in business as a handler of onions grown in areas subject to the Order and was subject to the Act, Order, and Regulations.

Conclusions

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent agrees to comply with each and every requirement of the order. In particular, the respondent shall

(a) pay assessments when due,

(b) maintain required records for two succeeding years, and

(c) submit required reports when due.

2. Respondent is assessed a civil penalty of \$7,500.00, of which \$2,000.00 is due and payable immediately. The remaining \$5,500.00 is suspended and held in abeyance on the condition that, after notice and opportunity for a hearing, the respondent is not found to have violated this order within three years from its effective date.

The provisions of this order shall become effective on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.

Navarrete Produce Co., LLC,
Respondent by



Hector Navarrete, Member

 

Robert A. Ertman
Attorney for Complainant

Done at Washington, D.C. this
7th day of June, 2006



Administrative Law Judge