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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	PACA Docket No. D-08-0060
	)	
Golden Gourmet Mushrooms, Inc.,	)	
	)	
Respondent	)	Consent Decision and Order
	)	

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.; hereinafter referred to as the "PACA"), instituted by a Notice to Show Cause and Complaint filed on February 14, 2008 by the Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture.

The Notice to Show Cause and Complaint alleged that, during the period of January 2007 through December 2007, Respondent willfully violated Sections 2(4) and 2(5) of the PACA (7 U.S.C. §§ 499b(4) and b(5)). A copy of the Notice to Show Cause and Complaint was served upon the Respondent. The Respondent filed an Answer denying all allegations in the Notice to Show Cause and Complaint.

The Respondent and Complainant have now agreed to the entry of a Decision Without a Hearing by Reason of Consent as set forth herein. Therefore, pursuant to Section 1.138 of the Rules of Practice (7 C.F.R § 1.138), the following Decision and Order is issued without further procedure or hearing.

### Findings of Fact

1. Respondent is a corporation organized and existing under the laws of the state of Nevada. Its business address is 2033 Marilyn Lane, San Marcos, CA 92069. Its mailing address is P.O. Box 639, San Marcos, California 92069.
2. Though not licensed under the PACA, at all times material in the Notice to Show Cause and Complaint, Respondent conducted business subject to the PACA.
3. The Secretary has jurisdiction over Respondent and the subject matter involved herein.

### Conclusions

Respondent and Complainant agree and consent to the terms of this decision and order as set forth herein and agree to the entry of this decision and order in settlement of this matter. Respondent admits the jurisdictional allegations of the Notice to Show Cause and Complaint, and neither admits nor denies the remaining allegations of the Notice to Show Cause and Complaint. Respondent hereby withdraws its PACA license application submitted on January 15, 2008. Respondent waives all further procedure in this matter and the parties agree to the entry of the following order.

### Order

The Respondent is found to have committed willful, flagrant, and repeated violations of Sections 2(4) and 2(5) of the PACA (7 U.S.C. §§ 499b(4) and b(5)).

Respondent shall cease and desist from operating subject to the PACA without a valid PACA license.

The Notice to Show Cause as to why Respondent's license should be refused is dismissed.

TOTAL P.003

The details of this consent decision and order shall be published.

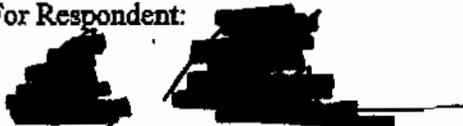
This order shall become effective 30 days after its issuance. Copies hereof shall be served upon the parties.

Done at Washington, D.C.

this 1st of April, 2008

  
Administrative Law Judge

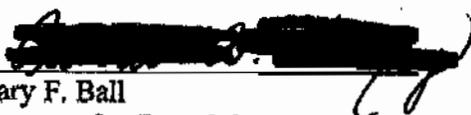
For Respondent:

  
Craig Anderson, President  
Golden Gourmet Mushrooms, Inc.

For Complainant:

  
Robert C. Keeney  
Deputy Administrator  
Fruit and Vegetable Programs  
Agricultural Marketing Service

  
Mark C. H. Mandell  
Attorney for Respondent

 for  
Gary F. Ball  
Attorney for Complainant