

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:) PACA Docket No. D-04-0009.
)
 R&R Fresh Fruits and Vegetables, Inc.,)
)
)
 Respondent)

DECISION WITHOUT HEARING BY REASON OF CONSENT

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act (7 U.S.C. § 499a et seq., hereinafter referred to as the Act or PACA), instituted by a complaint filed on March 26, 2004 by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture.

The complaint alleges that during the period October 2002 through May 2003, Respondent R&R Fresh Fruit and Vegetables, Inc., failed to make full payment promptly to 35 sellers of the agreed purchase prices in the total amount of \$1,115,916.48 for 451 lots of perishable agricultural commodities that it purchased, received, and accepted in interstate and foreign commerce. A copy of the complaint was served upon Respondent.

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

Findings of Fact

1. R & R Fresh Fruits & Vegetables, Inc., (hereinafter "Respondent") is a corporation organized and existing under the laws of the state of Florida. Its business address is 141 NW 20th Street, Suite H-7, Boca Raton, Florida 33431. Its mailing address is P.O. Box 1589, Boca Raton, Florida 33429-1589.

2. Pursuant to the licensing provisions of the PACA, license number 850193 was issued to Respondent on November 8, 1984. This license terminated on November 8, 2003, pursuant to Section 4(a) of the PACA (7 U.S.C. § 499(a)), when Respondent failed to pay the required annual renewal fee.

3. Respondent during the period October 2002 through May 2003, failed to make full payment promptly to 35 sellers of the agreed purchase prices in the total amount of \$1,115,916.48 for 451 lots of perishable agricultural commodities that it purchased, received, and accepted in interstate and foreign commerce.

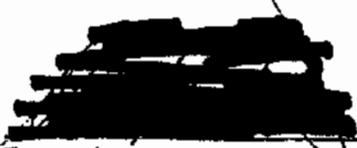
Conclusion

Respondent has committed willful, flagrant and repeated violations of section 2(4) of the PACA (7 U.S.C. § 499b(4)), by failing to make full payment promptly with respect to the transactions set forth in Finding of Fact No. 3 above, for which the Order below is issued.

Order

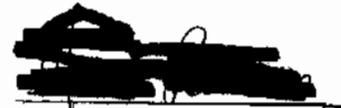
A finding is made that Respondent committed willful, flagrant and repeated violations of section 2(4) of the Act (7 U.S.C. § 499b(4)) and the facts and circumstances of the violations set forth above shall be published.

Rules of Practice (7 C.F.R. §1.138). Copies hereof shall be served upon the parties.


Respondent
R&R Fresh Fruits and Vegetables, Inc.


Eric M. Foxman
Associate Deputy Administrator
Fruit and Vegetable Programs
Agricultural Marketing Service
Complainant


Andrew B. Hellinger, Esq.
Attorney for Respondent


Ann Parnes
Office of the General Counsel
United States Department of Agriculture
Attorney for Complainant

15th May
Issued this *15th* day of *May*, 2006
at Washington, D.C.


Administrative Law Judge