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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) PACA Docket No. D-06-0003
)
Flint River Foods, LLC,)
) Decision Without Hearing by Reason
Respondent) of Consent

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a *et seq.*) (hereinafter, "PACA"), instituted by a complaint filed by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture, against Respondent, Flint River Foods, LLC.

The complaint alleged that Respondent, during the period December 2004 through May 2005, failed to make full payment promptly to 10 sellers of the agreed purchase prices in the total amount of \$1,242,446.85 for 913 lots of perishable agricultural commodities which Respondent purchased, received and accepted in interstate and foreign commerce, in willful, flagrant and repeated violation of section 2(4) of the PACA (7 U.S.C. § 499b(4)).

A copy of the complaint was served upon Respondent, which filed an answer thereto, denying liability. Complainant and Respondent have agreed to the entry of a Decision Without Hearing by Reason of Consent as set forth herein. Therefore, this Decision Without Hearing by Reason of Consent is entered without further procedure or hearing pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (hereinafter, "Rules of Practice") (7 C.F.R. § 1.138).

Findings of Fact

1. Flint River Foods, LLC (hereinafter "Respondent"), is a limited liability company organized and existing under the laws of the State of Georgia. Its business mailing address is 730 Travelers Rest Road, Montezuma, Georgia 31063.
2. At all times material herein, Respondent was engaged in the business of purchasing vegetables for processing, and shipping the processed product to various buyers, many of whom were located outside the State of Georgia.
3. At all times material herein, Respondent was not licensed under the provisions of the PACA. However, a PACA license was issued to Respondent in August 2006 and is presently in effect.

Conclusions

Respondent admits the jurisdictional allegations of the complaint, neither admits nor denies the remaining allegations of the complaint, and agrees to the following order.

Order

Respondent is found to have committed willful, flagrant and repeated violations of section 2(4) of the PACA, for which its PACA license is hereby revoked.

The finding of Respondent's commission of willful, flagrant and repeated violations and revocation of Respondent's PACA license will be held in abeyance pending Respondent's full payment, over a period of six months, of Respondent's produce indebtedness in the amount of \$914,446.42 as well as a civil penalty of \$65,000.00, in the manner set forth in an Understanding Regarding Consent Decision agreed to by the parties. If Respondent complies with the terms of the Understanding Regarding Consent Decision, the finding of Respondent's commission of

willful, flagrant and repeated violations and revocation of Respondent's PACA license held in abeyance shall be considered vacated, without any further procedure. If the payments are not made in full, the finding of Respondent's commission of willful, flagrant and repeated violations and revocation of Respondent's PACA license will come into effect, without further procedure, upon Complainant filing a notification of noncompliance with the Administrative Law Judge. Respondent agrees to waive all further adjudicatory procedure with regard to this proceeding, PACA Docket No. D-06-0003.

Pursuant to section 1.138 of the Rules of Practice (7 C.F.R. § 1.138), this Decision will become final upon issuance.

Copies hereof shall be served upon the parties.

Done at Washington, D.C.

this 6th of September, 2006

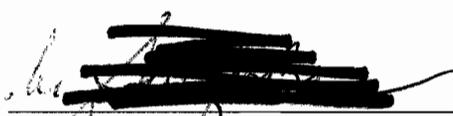

Administrative Law Judge

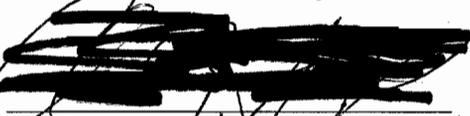
For Respondent


Flint River Foods, LLC
Respondent


Salvatore W. Pirrotta
Attorney for Respondent

For Complainant


Associate Deputy Administrator
Fruit and Vegetable Programs, AMS


Andrew Y. Stanton
Attorney for Complainant