

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) PACA Docket No. D-07-0147
)
Robison Farms, LLC)
)
Respondent)
) Consent Decision

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 on June 20, 2007, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture (hereinafter "Complainant").

The Complaint alleged that during the period December 27, 2004, through August 14, 2006, Robison Farms, LLC, failed to make full payment promptly to 20 sellers of the agreed purchase prices in the total amount of \$662,745.34 for 264 lots of perishable agricultural commodities, which it purchased, received, and accepted in the course of interstate and foreign commerce.

A copy of the Complaint was served on Respondent. Respondent and Complainant have now agreed to the entry of this consent decision as set forth herein. Therefore, this consent decision is entered without further procedure or hearing pursuant to the consent decision provision (7 C.F.R. § 1.138) of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R §§ 1.130-1.151; hereinafter "Rules of Practice").

Findings of Fact

1. Robison Farms, LLC (hereinafter "Respondent"), is a limited liability company organized and existing under the laws of the State of South Carolina. Its business and mailing address was 1354 Rutherford Road, Greenville, South Carolina 29609-3145. Respondent ceased business operations on July 17, 2006. Respondent's current mailing address is c/o Cindy Robison, 3047 Taylor Road, Greer, South Carolina 29651.

2. At all times material herein, Respondent was licensed under the provisions of the PACA. PACA license number 20030389 was issued to Respondent on December 18, 2002. This license terminated on December 18, 2006, pursuant to section 4(a) of the PACA (7 U.S.C. § 499d(a)), when Respondent failed to pay the required annual renewal fee.

3. The Secretary has jurisdiction over Respondent and the subject matter involved herein.

4. Respondent, during the period December 27, 2004, through August 14, 2006, failed to make full payment promptly to 20 sellers of the agreed purchase prices in the total amount of \$662,745.34 for 264 lots of perishable agricultural commodities that it purchased, received, and accepted in interstate and foreign commerce.

5. On August 7, 2006, Respondent filed a Voluntary Petition pursuant to Chapter 7 of the Bankruptcy Code (11 U.S.C. § 701 et seq.) in the United States Bankruptcy Court, District of South Carolina. This petition was designated case number 06-03394-HB. Respondent, in bankruptcy pleadings and in bankruptcy schedule F, admitted that all 20 sellers listed in Appendix A of the Complaint hold unsecured claims for unpaid produce debt. Respondent's bankruptcy pleadings admit that it owes \$671,818.00 to the 20 sellers, more than the amount alleged in the Complaint.

Conclusions

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 Findings of Fact No. 4 above, for which the order below is issued.

Order

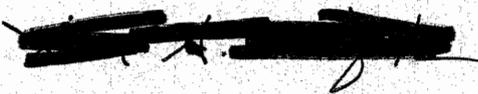
Respondent is hereby found to have committed willful, flagrant, and repeated violations of section 2(4) of the PACA (7 U.S.C. § 499b(4)) and the facts and circumstances of the violations shall be published pursuant to section 8(a) of the PACA (7 U.S.C. § 499h(a)).

This decision and order shall become final and effective upon issuance pursuant to section 1.138 (7 C.F.R. § 1.138) of the Rules of Practice.

Copies of this decision and order shall be served upon the parties.

Done at Washington, D.C.

this 1 day of October, 2007


Administrative Law Judge

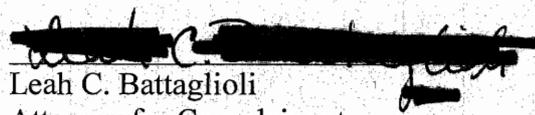
Jill S. Clifton

For Respondent


Cindy C. Robison
Manager, Member
Robison Farms, LLC

For Complainant


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


Leah C. Battaglioli
Attorney for Complainant